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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Suljuk Mustansar **Tarar** (Pakistan)

I. Introduction

1. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-seventh session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 69 (c), "Human rights situations and reports of special rapporteurs and representatives", at its 22nd to 27th, 29th, 31st, 34th and 35th meetings, on 24 and 25 October and on 2, 5, 6 and 8 November 2012, and considered proposals and took action on sub-item 69 (b) at its 35th, 36th, 38th, 40th to 44th, 47th and 48th meetings, on 8, 13, 15, 19, 20, 26 and 28 November. An account of the Committee's consideration is contained in the relevant summary records (A/C.3/67/SR.22-27, 29, 31, 34-36, 38, 40-44, 47 and 48).

3. For the documents before the Committee under this sub-item, see A/67/457.

4. At the 22nd meeting, on 24 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Suriname, Liechtenstein, Chile, the European Union, Malaysia, the Russian Federation, Algeria, Costa Rica, China, Kazakhstan, the Syrian Arab Republic,

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Pakistan, Morocco, Norway, Switzerland, the United States of America, Cameroon (on behalf of the African States), Tunisia, the United Kingdom of Great Britain and Northern Ireland, South Africa, Cuba, Bangladesh, the Islamic Republic of Iran, Belarus, Eritrea and Angola, and with the observer for Palestine (see A/C.3/67/SR.22).

5. At the 23rd meeting, on 24 October, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran made an introductory statement and responded to questions and comments made by the representatives of the Islamic Republic of Iran, Maldives, China, Canada, Norway, the European Union, the United Kingdom, the United States, the Czech Republic, Brazil and Switzerland (see A/C.3/67/SR.23).

6. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions made an introductory statement and subsequently responded to questions and comments made by the representatives of Switzerland, Norway, Singapore, the European Union, the United States, Kenya, the Russian Federation, Brazil and Viet Nam (see A/C.3/67/SR.23).

7. Also at the 23rd meeting, the Special Rapporteur on the independence of judges and lawyers made a presentation and responded to questions and comments made by the representatives of Maldives, the Russian Federation, the United States and the European Union (see A/C.3/67/SR.23).

8. Also at the same meeting, the Special Rapporteur on violence against women, its causes and consequences made a presentation and responded to questions and comments made by the representatives of the United Kingdom, Liechtenstein, Austria, Norway, Japan, Jordan, Canada, the European Union, Kenya and Switzerland (see A/C.3/67/SR.23).

9. At the 23rd meeting, the representative of the Islamic Republic of Iran made a statement (see A/C.3/67/SR.23).

10. At the 24th meeting, on 25 October, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made an introductory statement and responded to questions and comments made by the representatives of Malaysia, the European Union, Norway, Senegal, Egypt, Maldives, the Syrian Arab Republic and the Islamic Republic of Iran, and by the observer for Palestine (see A/C.3/67/SR.24).

11. At the same meeting, the Special Rapporteur on the human rights of internally displaced persons made an introductory statement and responded to questions and comments made by the representatives of Switzerland, the European Union, Norway, Canada, Austria, Azerbaijan and the Syrian Arab Republic (see A/C.3/67/SR.24).

12. Also at the 24th meeting, the Chair of the Committee on Enforced Disappearances made an introductory statement and responded to questions and comments made by the representatives of Argentina and the European Union (see A/C.3/67/SR.24).

13. Also at the same meeting, the Chair of the Working Group on Enforced or Involuntary Disappearances made an introductory statement and responded to questions and comments made by Chile and the European Union (see A/C.3/67/SR.24).

14. At the 25th meeting, on 25 October, the Special Rapporteur on the situation of human rights in Myanmar made an introductory statement and responded to questions and comments made by the representatives of Myanmar, Malaysia, the European Union, the Republic of Korea, Canada, Indonesia, Norway, the United States, the Czech Republic, Japan, the United Kingdom, Thailand, Switzerland and Argentina (see A/C.3/67/SR.25).

15. At the same meeting, the Special Rapporteur on freedom of religion or belief made an introductory statement and responded to questions and comments made by the representatives of Canada, the European Union, the Netherlands, the United States, Liechtenstein, the Russian Federation, the United Kingdom, Austria, China, Germany, the Islamic Republic of Iran and Viet Nam (see A/C.3/67/SR.25).

16. Also at the 25th meeting, the Special Rapporteur on human rights of migrants made an introductory statement and responded to questions and comments made by the representatives of Mexico, the European Union, Bangladesh, Senegal, Switzerland and Nigeria (see A/C.3/67/SR.25).

17. Also at the same meeting, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families made a statement (see A/C.3/67/SR.25).

18. At the 26th meeting, on 2 November, the Independent Expert on the promotion of a democratic and equitable international order made an introductory statement and responded to questions and comments by the representatives of the Russian Federation and Cuba (see A/C.3/67/SR.26).

19. At the same meeting, the Special Rapporteur on the promotion and protection of human rights while countering terrorism made an introductory statement and responded to questions and comments made by the representatives of Switzerland, Mexico, Pakistan, the Islamic Republic of Iran, the European Union, the United States, the United Kingdom and Liechtenstein (see A/C.3/67/SR.26).

20. Also at the 26th meeting, the Independent Expert on minority issues made an introductory statement and responded to questions and comments made by the representatives of the European Union, the Russian Federation, Austria and the Islamic Republic of Iran (see A/C.3/67/SR.26).

21. Also at the same meeting, the Special Rapporteur on the right to food made an introductory statement and responded to questions and comments made by the representatives of the European Union, Cameroon, Haiti, Cuba, Kenya, Norway and Bangladesh (see A/C.3/67/SR.26).

22. Also at the 26th meeting, the Chair of the Working Group on the Right to Development made a statement (see A/C.3/67/SR.26).

23. At the 27th meeting, on 2 November, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made an introductory statement and responded to questions and comments made by the representatives of the European Union, the Republic of Korea, Japan, the Czech Republic, Belarus, the United States, the United Kingdom, Norway, Switzerland, Canada, Cuba, the Democratic People's Republic of Korea and China (see A/C.3/67/SR.27).

24. At the same meeting, the Special Rapporteur in the field of cultural rights made an introductory statement and responded to questions and comments made by the representatives of the European Union and Cuba (see A/C.3/67/SR.27).

25. Also at the same meeting, the Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises made an introductory statement and responded to questions and comments made by the representatives of Norway, Switzerland, the United States and the Russian Federation (see A/C.3/67/SR.27).

26. Also at the 27th meeting, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence made an introductory statement and responded to questions and comments made by the representatives of the European Union, Chile, Morocco, Switzerland and Norway (see A/C.3/67/SR.27).

27. Also at the same meeting, the Special Rapporteur in the field of cultural rights read out statements on behalf of the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Special Rapporteur on trafficking in persons, especially women and children (see A/C.3/67/SR.27).

28. At the 29th meeting, on 5 November the Special Rapporteur on the question of human rights and extreme poverty made an introductory statement and responded to questions and comments made by the representatives of Chile, Brazil, the European Union and Viet Nam (see A/C.3/67/SR.29).

29. At the same meeting, the Special Rapporteur on the question of human rights and extreme poverty read out statements on behalf of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the human right to safe drinking water and sanitation, the Special Rapporteur on the right to education, and the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights (see A/C.3/67/SR.29).

30. Also at the same meeting, the representative of Belarus made a statement (see A/C.3/67/SR.29).

31. Also at the 29th meeting, the Assistant Secretary-General for Human Rights made an introductory statement on several reports under the agenda item and responded to questions and comments made by the representatives of the Islamic Republic of Iran and the Lao People's Democratic Republic (see A/C.3/67/SR.29).

32. Also at the same meeting, the Special Adviser to the Secretary-General introduced the report of the Secretary-General on the situation of human rights in Myanmar (A/67/333), which was followed by a statement made by the representative of Myanmar (see A/C.3/67/SR.29).

33. Also at the 29th meeting, the Assistant Secretary-General for Programme Planning, Budget and Accounts introduced the report of the Secretary-General on the Khmer Rouge trials (A/67/380) (see A/C.3/67/SR.29).

II. Consideration of proposals

A. Draft resolutions A/C.3/67/L.27 and Rev.1

34. At the 35th meeting, on 8 November, the representative of Qatar introduced a draft resolution entitled "United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region" (A/C.3/67/L.27), which read:

> "*The General Assembly*,
>
> "*Guided* by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,
>
> "*Recalling* the Vienna Declaration and Programme of Action of 1993, which reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,
>
> "*Recalling also* its resolutions 32/127 of 16 December 1977, 51/102 of 12 December 1996 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,
>
> "*Recalling further* its resolution 60/153 of 16 December 2005 on the establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region,
>
> "*Recalling* Commission on Human Rights resolution 1993/51 of 9 March 1993 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,
>
> "*Reaffirming* that regional cooperation plays a fundamental role in promoting and protecting human rights and should reinforce universal human rights, as contained in international human rights instruments, and their protection,
>
> "*Welcoming* the training activities and regional consultations conducted by the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region,
>
> "*Noting* that the developments in the Middle East and North Africa have generated growing demand for the services of the Centre, which as a result will not be able to discharge its mandate effectively without the allocation of adequate resources on an ongoing basis from the regular budget of the United Nations, as identified in the report of the United Nations High Commissioner for Human Rights,
>
> "*Mindful* of the vastness of and the diversity within South-West Asia and the Arab region,
>
> "1. *Welcomes* the activities of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region;
>
> "2. *Notes* the support provided for the establishment of the Centre by the host country;

> "3. *Also notes* that the Centre has conducted a number of training activities and regional consultations on United Nations human rights mechanisms, human trafficking, media and human rights education;
>
> "4. *Further notes* that the Centre is receiving an increasing number of requests for training and documentation, including in the Arabic language, which require additional resources and the reinforcement of its activities;
>
> "5. *Requests* the Secretary-General to provide funds and human resources from the regular budget of the United Nations to enable the Centre to respond positively and effectively to the growing needs in South-West Asia and the Arab region, to fulfil its mandate to undertake training and documentation activities and to support such efforts undertaken within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations according to international human rights standards;
>
> "6. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution."

35. At its 47th meeting, on 28 November, the Committee had before it a revised draft resolution entitled "United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region" (A/C.3/67/L.27/Rev.1), submitted by the sponsor of A/C.3/67/L.27 and Azerbaijan, Bahrain, Cameroon, the Comoros, Egypt, Grenada, Jordan, Kuwait, Libya, Mauritania, Morocco, Oman, the Philippines, Saint Vincent and the Grenadines, Saudi Arabia, Somalia, the Sudan, Tunisia, Turkey, the United Arab Emirates and Yemen.

36. At the same meeting, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/67/SR.47).

37. Also at the same meeting, the Committee adopted draft resolution A/C.3/67/L.27/Rev.1 by a recorded vote of 149 to 1, with 17 abstentions (see para. 137, draft resolution I). The voting was as follows:[1]

In favour:

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation,

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[1] The delegation of Indonesia indicated that it had intended to vote in favour.

Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia.

Against:

Syrian Arab Republic.

Abstaining:

Afghanistan, Angola, Bolivia (Plurinational State of), Botswana, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Indonesia, Japan, Lao People's Democratic Republic, Mozambique, Namibia, Nicaragua, Samoa, Sri Lanka, Venezuela (Bolivarian Republic of), Zimbabwe.

38. Also at the 47th meeting, statements were made before the vote by the representatives of the Syrian Arab Republic and the United States of America; statements were made after the vote by the representatives of Cyprus (on behalf of the European Union) and Japan (see A/C.3/67/SR.47).

B. Draft resolution A/C.3/67/L.28

39. At the 35th meeting, on 8 November, the representative of Morocco, on behalf of Albania, Andorra, Austria, Belgium, Benin, Bulgaria, Burkina Faso, Cameroon, Canada, the Comoros, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Madagascar, Mali, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights" (A/C.3/67/L.28). Subsequently, Argentina, Armenia, Australia, Azerbaijan, Belize, Bosnia and Herzegovina, Burundi, Costa Rica, Croatia, Gabon, Honduras, Hungary, Iceland, India, Israel, Kazakhstan, Kyrgyzstan, Lebanon, Malta, Mauritania, Mongolia, Papua New Guinea, the Republic of Korea, South Sudan, the Sudan, Ukraine, Uruguay and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

40. At its 41st meeting, on 20 November, the Committee adopted draft resolution A/C.3/67/L.28 (see para. 137, draft resolution II).

C. Draft resolution A/C.3/67/L.32/Rev.1

41. At the 43rd meeting, on 26 November, the representative of Peru, on behalf of Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria,

Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Burkina Faso, Chile, Colombia, Costa Rica, Cuba, Cyprus, the Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Guatemala, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Kenya, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Monaco, Mongolia, Montenegro, Morocco, Namibia, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Panama, Paraguay, Peru, the Philippines, Portugal, the Republic of Korea, the Republic of Moldova, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, South Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Human rights and extreme poverty" (A/C.3/67/L.32/Rev.1). Subsequently, Albania, Azerbaijan, Bangladesh, Benin, Burundi, Cameroon, China, the Comoros, Côte d'Ivoire, Croatia, the Czech Republic, Denmark, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Honduras, Japan, Latvia, Liberia, Malaysia, Malta, Poland, Romania, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Suriname, Tunisia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, joined in sponsoring the draft resolution.

42. At its 47th meeting, on 28 November, the Committee adopted draft resolution A/C.3/67/L.32/Rev.1 (see para. 137, draft resolution III).

43. Statements were made by the representatives of the United States of America and Chile after the adoption of the draft resolution (see A/C.3/67/SR.47).

D. Draft resolution A/C.3/67/L.33

44. At the 38th meeting, on 15 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Antigua and Barbuda, Argentina, Azerbaijan, Bahrain, Bangladesh, Benin, Bolivia (Plurinational State of), Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, China, the Comoros, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Namibia, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Somalia, Sri Lanka, South Sudan, the Sudan, Swaziland, the Syrian Arab Republic, Tajikistan, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe, introduced a draft resolution entitled "Globalization and its impact on the full enjoyment of all human rights" (A/C.3/67/L.33). Subsequently, Angola, the Congo, the Dominican Republic, the Gambia, India, the Philippines, Saint Lucia, Togo, Rwanda and Zambia joined in sponsoring the draft resolution.

45. At its 47th meeting, on 28 November, the Committee adopted draft resolution A/C.3/67/L.33 by a recorded vote of 128 to 53 (see para. 137, draft resolution IV). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

46. Before the vote, the representative of Cyprus made a statement on behalf of the European Union (see A/C.3/67/SR.47).

E. Draft resolutions A/C.3/67/L.34 and Rev.1

47. At the 38th meeting, on 15 November, the representative of Austria, on behalf of Albania, Andorra, Argentina, Armenia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia,

Somalia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Human rights in the administration of justice" (A/C.3/67/L.34), which read:

"*The General Assembly*,

"*Bearing in mind* the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, in particular articles 6, 7, 9 and 10 of the Covenant, the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and the International Covenant on Economic, Social and Cultural Rights, as well as all other relevant international treaties,

"*Calling attention* to the numerous international standards in the field of the administration of justice,

"*Recalling* all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 62/158 of 18 December 2007 and 65/213 of 21 December 2010, and Human Rights Council resolutions 10/2 of 25 March 2009 and 18/12 of 29 September 2011,

"*Welcoming* General Assembly resolution 67/1 of 24 September 2012 entitled 'Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels',

"*Welcoming also* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

"*Welcoming further* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),

"*Welcoming* the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

"*Taking note of* general comments No. 21, on the humane treatment of prisoners deprived of their liberty, and No. 32, on the right to equality before courts and tribunals and to a fair trial, and general comments No. 10, on children's rights in juvenile justice, and No. 13, on the rights of the child to freedom from all forms of violence, adopted by the Committee on the Rights of the Child,

"*Noting with appreciation* the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peacekeeping Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women as well as the Special Representative of the Secretary-General on Violence against

Children and the Special Representative of the Secretary-General on Children and Armed Conflict,

"*Noting with satisfaction* the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

"*Convinced* that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

"*Recalling* that every State should provide an effective framework of remedies to redress human rights grievances or violations,

"*Emphasizing* that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

"*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

"*Recognizing* the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration,

"*Recalling* that the social rehabilitation of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

"*Aware* of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

"*Recognizing* the specific needs of children formerly associated with armed forces or armed groups, and noting that these children, when accused of crimes under international law allegedly committed while associated with armed forces or armed groups, should be considered primarily as victims and not only as perpetrators,

"*Reaffirming* that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to sentencing of his or her parents, or, where applicable, legal guardians or primary caregivers,

"1. *Welcomes* the most recent report submitted by the Secretary-General to the General Assembly on human rights in the administration of justice;

"2. *Also welcomes* the most recent report of the United Nations High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty as well as the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system, both submitted to the Human Rights Council;

"3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

"4. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

"5. *Invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

"6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

"7. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

"8. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

"9. *Notes* the work of the open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and in this regard invites the expert group to benefit from the expertise of the United Nations Office on Drugs and Crime and of the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders;

"10. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment;

"11. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, inter alia, by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance;

"12. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including through enhancing the use of alternatives to pretrial detention and custodial sentences where possible, access to legal aid and the efficiency as well as the capacity of the criminal justice system and its facilities;

"13. *Continues to encourage* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and all other relevant organizations to take these rules into consideration in their activities;

"14. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, and calls upon States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions;

"15. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

"16. *Stresses* the importance of including reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

"17. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

"18. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release, nor corporal punishment as a sentence or as a disciplinary measure, is imposed for offences committed by persons under 18 years of age, and invites States to consider repealing life imprisonment with the possibility of release for offences committed by persons under 18 years of age;

"19. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and, in this respect, refers to the recommendation of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility without exception to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;

"20. *Also encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

"21. *Stresses* the importance of paying greater attention to the impact of the imprisonment of parents on their children, while noting with interest the day of general discussion on the theme 'The situation of children of prisoners', held by the Committee on the Rights of the Child on 30 September 2011, as well as the summary report on the full-day meeting of the Human Rights Council on the rights of the child;

"22. *Invites* Governments to provide for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

"23. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

"24. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations entities and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

"25. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General on Violence against Children and the United Nations Office on Drugs and Crime, to continue to closely coordinate their activities relating to the administration of justice;

"26. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations, and in this context to cooperate with relevant departments of the Secretariat, including the Peacebuilding Support Office, the Department of Political Affairs and the Department of Peacekeeping Operations;

"27. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group chaired by the Deputy Secretary-General and supported by the Rule of Law Unit of the Secretariat, and in cooperation with the Peacebuilding Commission, including assistance provided through United Nations field presences;

"28. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

"29. *Invites* relevant special procedure mandate holders of the Human Rights Council as well as relevant treaty bodies to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

"30. *Invites* the Commission on Crime Prevention and Criminal Justice to consider developing a set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice in consultation with all Member States and in close collaboration with all relevant United Nations entities, in particular with the Special Representative of the Secretary-General on Violence against Children and the Office of the United Nations High Commissioner for Human Rights;

"31. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-fourth session a report on the latest developments, challenges and good practices in human rights in the administration of justice, analysing the international legal and institutional framework for the protection of all persons deprived of their liberty, as well as the activities undertaken by the United Nations system as a whole;

"32. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-ninth session under the item entitled 'Promotion and protection of human rights'."

48. At its 41st meeting, on 20 November, the Committee had before it a revised draft resolution, entitled "Human rights in the administration of justice"

(A/C.3/67/L.34/Rev.1), submitted by the sponsors of draft resolution A/C.3/67/L.34[2] and the Dominican Republic, Ecuador, Honduras, India, Mali, Mongolia, Morocco, the Philippines, the Republic of Korea and Ukraine.

49. At the same meeting, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/67/SR.41).

50. Also at the same meeting, the Committee adopted draft resolution A/C.3/67/L.34/Rev.1 (see para. 137, draft resolution V).

51. The representative of the United States of America made a statement (see A/C.3/67/SR.41).

F. Draft resolution A/C.3/67/L.35

52. At the 41st meeting, on 20 November, the representative of Slovenia, on behalf of Argentina, Armenia, Belgium, Benin, Bosnia and Herzegovina, Chile, Costa Rica, Côte d'Ivoire, Croatia, Denmark, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Haiti, Hungary, Iceland, Italy, Jordan, Kenya, Liechtenstein, Malawi, Mali, Montenegro, Namibia, New Zealand, Nigeria, Norway, Panama, Paraguay, the Republic of Korea, Serbia, Slovenia, South Sudan, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Uruguay and Zambia, introduced a draft resolution entitled "Committee on the Rights of the Child" (A/C.3/67/L.35). Subsequently, Albania, Austria, Azerbaijan, Brazil, Bulgaria, Burkina Faso, Cyprus, Finland, France, Honduras, Ireland, Israel, Lebanon, Liberia, Lithuania, Luxembourg, Malta, Madagascar, Morocco, the Netherlands, Peru, Poland, Portugal, Senegal, Slovakia, Switzerland, Togo, Tunisia, Ukraine and the United Republic of Tanzania joined in sponsoring the draft resolution.

53. At the 48th meeting, on 28 November, the attention of the Committee was drawn to a statement of the programme budget implications of the draft resolution, contained in document A/C.3/67/L.69.

54. At the same meeting, the representative of Costa Rica orally revised the draft resolution as follows:

(a) In the fourth preambular paragraph, the words "increasing number of reports of States parties to the Convention on the Rights of the Child and the Optional Protocols" were replaced by the words "increasing backlog of reports of States parties to the Convention on the Rights of the Child and the Optional Protocols awaiting review by the Committee";

(b) In operative paragraph 1, the words "continue its activities" were replaced by the words "build upon its activities";

(c) In operative paragraph 3, after the words "*Decides* to authorize the Committee", the words "recognizing that such a temporary measure is not a long-term solution to the backlog and" were added; the year "2013" was replaced by "2014" and the year "2014" was replaced by "2015";

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[2] The representative of Austria informed the Committee that China was not a sponsor of draft resolution A/C.3/67/L.34/Rev.1.

(d) After operative paragraph 3, a new operative paragraph was inserted, reading:

> "*Invites* States parties to adhere to the page limit established by the Committee for reports of States parties, and notes that this would reduce the operating costs of the Committee".

55. At the same meeting, the Committee was informed that, in view of the revisions made, the programme budget implications contained in document A/C.3/67/L.69 would no longer apply.

56. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/67/L.35, as orally revised (see para. 137, draft resolution VI).

57. After the adoption of the resolution, statements were made by the representatives of the Russian Federation, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America (see A/C.3/67/SR.48).

G. Draft resolution A/C.3/67/L.36 and amendments thereto contained in documents A/C.3/67/L.67 and A/C.3/67/L.68

58. At the 38th meeting, on 15 November, the representative of Sweden, on behalf of Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Somalia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Island and Uruguay, introduced a draft resolution entitled "Extrajudicial, summary or arbitrary executions" (A/C.3/67/L.36). Subsequently, Armenia, Costa Rica, Ecuador, Malta, the Netherlands, the Republic of Korea, Spain, Timor-Leste, Ukraine and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

Action on amendments to draft resolution A/C.3/67/L.36

59. At its 42nd meeting, on 20 November, the Committee took action on proposed amendments to draft resolution A/C.3/67/L.36, which were submitted in documents A/C.3/67/L.67 and A/C.3/67/L.68, as set out below.

Amendment contained in document A/C.3/67/L.67

60. At the 42nd meeting, the representative of Singapore, on behalf of Botswana, Brunei Darussalam, China, Iran (Islamic Republic of), the Lao People's Democratic Republic, Malaysia, Singapore, Uganda and Viet Nam, introduced the amendment to draft resolution A/C.3/67/L.36 contained in document A/C.3/67/L.67, by which the eighth preambular paragraph would be deleted.

61. At the same meeting, the Committee rejected the amendment contained in document A/C.3/67/L.67 by a recorded vote of 78 to 50, with 38 abstentions. The voting was as follows:

In favour:

Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Cameroon, China, Congo, Democratic People's Republic of Korea, Egypt, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Myanmar, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Afghanistan, Angola, Belarus, Benin, Bhutan, Burkina Faso, Burundi, Central African Republic, Cuba, Democratic Republic of the Congo, Djibouti, Fiji, Ghana, Guinea, Guinea-Bissau, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Nigeria, Philippines, Senegal, South Africa, Sri Lanka, Suriname, Tajikistan, Thailand, Tuvalu, United Republic of Tanzania, United States of America, Vanuatu, Zambia.

62. Before the vote, statements were made by the representatives of the Sudan (on behalf of the Group of Arab States), Sweden, Trinidad and Tobago, Switzerland and Norway (see A/C.3/67/SR.42).

Amendment contained in document A/C.3/67/L.68

63. At the 42nd meeting, the representative of the United Arab Emirates (on behalf of the Organization of Islamic Cooperation) introduced the amendment to draft resolution A/C.3/67/L.36 contained in document A/C.3/67/L.68, by which in operative paragraph 6 (b), the words "or because of their sexual orientation or gender identity" would be replaced with the words "or for any other reason".

64. At the same meeting, the Committee rejected the proposed amendment contained in document A/C.3/67/L.68, by a recorded vote of 86 to 44, with 31 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, Cameroon, China, Democratic People's Republic of Korea, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Namibia, Oman, Pakistan, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Tunisia, Uganda, United Arab Emirates, Uzbekistan, Yemen.

Against:

Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Antigua and Barbuda, Benin, Bhutan, Burkina Faso, Burundi, Central African Republic, Congo, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Grenada, Guinea-Bissau, Guyana, Kenya, Kyrgyzstan, Mali, Mozambique, Nigeria, Peru, Philippines, Saint Kitts and Nevis, Sri Lanka, Togo, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Vanuatu, Zambia, Zimbabwe.

65. Before the vote, statements were made by the representatives of Sweden, Ireland, the United States of America, Brazil and South Africa (see A/C.3/67/SR.42).

Action on draft resolution A/C.3/67/L.36 as a whole

66. At its 42nd meeting, on 20 November, the Committee adopted draft resolution A/C.3/67/L.36 by a recorded vote of 108 to 1, with 65 abstentions (see para 137, draft resolution VII). The voting was as follows:[3]

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador,

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[3] The delegation of Trinidad and Tobago subsequently indicated that it had intended to vote in favour.

El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Against:

Iran (Islamic Republic of).

Abstaining:

Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Ethiopia, Ghana, Guinea, Guyana, Indonesia, Iraq, Israel, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Nigeria, Oman, Pakistan, Palau, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tunisia, Turkey, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

67. Before the vote, statements were made by the representatives of Sweden, the Islamic Republic of Iran, South Africa, Trinidad and Tobago, Singapore, Egypt and Grenada; after the vote, statements were made by the representatives of India, Jamaica, the United States of America, Japan, China and Brunei Darussalam (see A/C.3/67/SR.42).

H. Draft resolution A/C.3/67/L.37

68. At the 38th meeting, on 15 November, the representative of Cuba, on behalf of the Movement of Non-Aligned Countries, as well as the Russian Federation, introduced a draft resolution entitled "Enhancement of international cooperation in the field of human rights" (A/C.3/67/L.37). Subsequently, El Salvador joined in sponsoring the draft resolution.

69. At the 44th meeting, on 26 November, the representative of Cuba orally revised the draft resolution as follows:

(a) Operative paragraph 12, which read:

"12. *Welcomes* the initiative of the Human Rights Council to organize a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes and other stakeholders, including academic experts and civil society",

was replaced by:

> "12. *Recalls* the initiative of the Human Rights Council to organize a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes and other stakeholders, including academic experts and civil society, as decided in Council resolution 19/33".

70. At the same meeting, the Committee adopted the draft resolution, as orally revised (see para 137, draft resolution VIII).

71. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/67/SR.44).

I. Draft resolution A/C.3/67/L.38

72. At the 38th meeting, on 15 November, the representative of Cuba, on behalf of the Movement of Non-Aligned Countries, introduced a draft resolution entitled "Human rights and unilateral coercive measures" (A/C.3/67/L.38). Subsequently, China joined in sponsoring the draft resolution.

73. At the 44th meeting, on 26 November, the representative of Cuba made a statement (see A/C.3/67/SR.44).

74. At its 44th meeting, the Committee adopted draft resolution A/C.3/67/L.38 by a recorded vote of 115 to 52, with 2 abstentions (see para. 137, draft resolution IX). The voting was as follows:[4]

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United

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[4] Subsequently, the delegations of Afghanistan, Malawi and the Sudan indicated that they had intended to vote in favour.

Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of) Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Afghanistan, Malawi.

J. Draft resolution A/C.3/67/L.39

75. At the 38th meeting, on 15 November, the representative of Cuba, on behalf of the Movement of Non-Aligned Countries, as well as South Sudan, introduced a draft resolution entitled "The right to development" (A/C.3/67/L.39). Subsequently, China and El Salvador joined in sponsoring the draft resolution.

76. At the 47th meeting, on 28 November, the representative of Cuba orally revised the draft resolution as follows:

(a) The sixteenth preambular paragraph, which read:

> "*Noting with sadness* the passing of the former Chair-Rapporteur of the Working Group, and welcoming the new mandate holder",

was deleted:

(b) Operative paragraph 3, which read:

> "*Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its eleventh session, and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors",

was replaced by:

> "*Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its eleventh session, and while reaffirming them, calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors, noting also the efforts under way within the framework of the Working Group with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4",

(c) The words "with the recognition that the Working Group may convene annual sessions of five working days and submit its reports to the Council: were added at the end of operative paragraph 4;

(d) Operative paragraph 7, which read:

> "*Notes* the efforts under way within the framework of the Working Group with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4, and reaffirms the conclusions and recommendations of the Working Group agreed upon at its eleventh session",

was deleted and the remaining paragraphs were renumbered accordingly;

(e) Operative paragraph 8 (former paragraph 9), which read:

> "*Stresses* that it is important that the views requested of Member States and relevant stakeholders on the work of the high-level task force and the way forward take into consideration the essential features of the right to development, using as a reference the Declaration on the Right to Development and resolutions on the right to development of the Commission on Human Rights, the Human Rights Council and the General Assembly",

was replaced by:

> "*Encourages* Member States and relevant stakeholders, when submitting views on the work of the high-level task force and the way forward, to take into consideration the essential features of the right to development, using as a reference the Declaration on the Right to Development and resolutions on the right to development of the Commission on Human Rights, the Human Rights Council and the General Assembly".

77. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.39, as orally revised, by a recorded vote of 147 to 4, with 29 abstentions (see para. 137, draft resolution X). The voting was as follows:

In favour:

> Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, France, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan,

Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Australia, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Japan, Latvia, Lithuania, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine.

78. Before the vote, statements were made by the representatives of the United States of America and the Islamic Republic of Iran; after the vote, statements were made by the representatives of Canada and the United Kingdom of Great Britain and Northern Ireland (see A/C.3/67/SR.47).

K. Draft resolutions A/C.3/67/L.40 and Rev.1

79. At the 43rd meeting, on 26 November, the representative of Mexico, on behalf of Algeria, Angola, Argentina, Armenia, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Chile, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Kyrgyzstan, Mali, Mauritius, Mexico, Morocco, Nicaragua, Nigeria, Paraguay, the Philippines, Senegal, Somalia, South Sudan, Tajikistan, Tunisia, Turkey, Uganda and Uruguay, introduced a draft resolution entitled "Protection of migrants" (A/C.3/67/L.40), which read:

"*The General Assembly*,

"*Recalling* all its previous resolutions on the protection of migrants, the most recent of which is resolution 66/172 of 19 December 2011, as well as its resolution 66/128 of 19 December 2011, on violence against women migrant workers, and recalling also Human Rights Council resolution 20/3 of 5 July 2012,

"*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

"*Reaffirming also* that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

"*Recalling* the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"*Recalling also* the outcome document of the United Nations Conference on Sustainable Development, entitled 'The future we want', which calls upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability,

"*Recalling further* the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development, which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

"*Recalling further* Commission on Population and Development resolutions 2006/2 of 10 May 2006 and 2009/1 of 3 April 2009,

"*Recalling* that the Commission on Population and Development will consider the issue of new trends in migration: demographic aspects at its forty-sixth session in 2013,

"*Taking note* of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

"*Taking note also* of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals* and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the Avena Judgment, and recalling the obligations of States reaffirmed in both decisions,

"*Underlining* the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

"*Recognizing* the increasing participation of women in international migration movements,

"*Looking forward* to the convening of the High-level Dialogue on International Migration and Development in 2013, and recalling the previous High-level Dialogue on the subject, held in New York on 14 and 15 September

2006, for the purpose of discussing the multidimensional aspects of international migration and development, at which, inter alia, the relationship between international migration, development and human rights was recognized,

"*Noting* that the sixth meeting of the Global Forum on Migration and Development, to be held in Mauritius on 21 and 22 November 2012, will draw together the outcomes of several preparatory meetings, focusing on the overarching theme 'Enhancing the development of migrants and their contribution to the development of their communities and States' as a contribution to promoting international cooperation among States and between States and other actors in order to strengthen the capacity of States to address migration and development opportunities and challenges more effectively,

"*Recognizing* the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

"*Emphasizing* the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

"*Recognizing* that women migrant workers are important contributors to social and economic development through the economic and social impacts of their work on countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

"*Bearing in mind* the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

"*Affirming* that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

"*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

"*Stressing* the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

"*Stressing also* the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

"*Aware* that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

"*Recognizing* the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

"*Concerned* about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

"*Stressing* that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

"*Recognizing* the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

"*Recognizing also* the obligations of countries of origin, transit and destination under international human rights law,

"*Underlining* the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

"1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

"2. *Expresses its concern* about the impact of financial and economic crises on international migration and migrants, and in that regard urges

Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

"3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights and the obligations of States under the International Covenants on Human Rights, and in this regard:

"(a) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

"(b) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

"(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

"(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

"(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its fifteenth and sixteenth sessions;

"4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

"(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

"(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

"(c) Notes with appreciation the measures adopted by some States to reduce detention periods in cases of undocumented migration in the application of domestic regulations and laws regarding irregular migration;

"(d) Also notes with appreciation the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

"(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

"(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

"(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

"(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

"(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

"(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

"5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

"(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

"(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

"(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

"(d) Calls upon States to implement gender-sensitive policies and programmes for women migrant workers and to provide safe and legal channels that recognize their skills and education and fair labour conditions, facilitate their productive employment and decent work and integration into the labour force, including in the fields of education and science and technology, and ensure that all women, including care workers, are legally protected against violence and exploitation;

"(e) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

"(f) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

"(g) Encourages all States to prevent and eliminate discriminatory policies and legislation, at all levels of government, that deny migrant children access to education;

"(h) Encourages States, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

"(i) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

"(j) Urges States parties to the United Nations Convention against Transnational Organized Crime and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

"6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

"7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

"8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat international trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

"9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

"(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

"(b) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

"(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

"(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

"10. *Underlines* the need to ensure that the development agenda, including the post-2015 process, addresses the issue of migration and development in a comprehensive manner, fully integrating a human rights perspective and gender mainstreaming, and therefore:

"(a) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants and the Global Migration Group, to ensure that the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly in 2013, analyses the linkage between migration and development in a balanced and comprehensive manner that includes, among others, a human rights perspective;

"(b) Recommends that the Chair of the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants participate in and contribute to the High-level Dialogue on International Migration and Development;

"11. *Encourages* States, relevant international organizations and civil society, including non-governmental organizations, to continue and to enhance their dialogue, including through participation in all relevant international meetings, including the High-level Dialogue to be held in 2013, with a view to strengthening public policies aimed at promoting and respecting human rights, including those of migrants;

"12. *Invites* the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-eighth session, under the item entitled 'Promotion and protection of human rights', as a way to enhance communication between the Assembly and the Committee;

"13. *Invites* the Special Rapporteur on the human rights of migrants to submit his report to the General Assembly and to engage in an interactive dialogue at its sixty-eighth session, under the item entitled 'Promotion and protection of human rights';

"14. *Takes note* of the report of the Secretary-General, submitted to the General Assembly at its sixty-seventh session, on the implementation of resolution 66/172 and on how the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has influenced policy and practice, where applicable, to strengthen the protection of migrants;

"15. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution and to include in that report an analysis of international migration and development from a human rights perspective."

80. At its 48th meeting, on 28 November, the Committee had before it a revised draft resolution entitled "Protection of migrants" (A/C.3/67/L.40/Rev.1), submitted by the sponsors of draft resolution A/C.3/67/L.40, joined by Belarus, Brazil, Egypt, Peru and Portugal.

81. At the same meeting, the representative of Mexico orally revised the draft resolution as follows:

(a) In the fifteenth preambular paragraph, the words "to be held in Mauritius on 21 and 22 November 2012, will draw together" were replaced by the words "held in Mauritius on 21 and 22 November 2012, drew together";

(b) In the eighteenth preambular paragraph, the words "in countries of origin and destination" were inserted after the words "social and economic development", and the words on countries of origin and destination" were deleted after the words "impacts of their work";

(c) Operative paragraph 5 (d), which read:

> "(d) Calls upon States that have not already done so to implement gender-sensitive policies and programmes for women migrant workers, to provide for the protection of their human rights, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation",

was replaced by:

> "(d) Calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation";

(d) In operative paragraph 5 (e), the words "to implement gender-sensitive policies and programmes for women migrant workers", were inserted after the words "Encourages States";

(e) Operative paragraph 10 (b), which read:

> "(b) Recognizes the importance of the contribution of the Chair of the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants, as well as key development actors, to the High-level Dialogue on International Migration and Development",

was replaced by:

> "(b) Recognizes the importance of the contribution of the High Commissioner for Human Rights, the Chair of the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants, as well as key development actors, to the discussion at the High-level Dialogue on International Migration and Development".

82. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/67/L.40/Rev.1, as orally revised (see para. 137, draft resolution XI).

L. Draft resolution A/C.3/67/L.41

83. At the 38th meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Belarus, Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, Eritrea, Ethiopia, Jordan, the Lao People's Democratic Republic, Madagascar, Myanmar, Namibia, Nicaragua, Nigeria, the Russian Federation, Saint Vincent and the Grenadines, Somalia, South Sudan, the Syrian Arab Republic, Turkmenistan and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Promotion of peace as a vital requirement for the full enjoyment of all human

rights by all" (A/C.3/67/L.41). Subsequently, Angola, Bangladesh, Benin, Burundi, Cameroon, the Comoros, the Congo, Côte d'Ivoire, the Democratic People's Republic of Korea, El Salvador, Grenada, India, Iran (Islamic Republic of), Jamaica, Kenya, Lesotho, Liberia, Malawi, Mali, the Niger, Senegal, Sri Lanka, the Sudan, Swaziland, Vanuatu, Viet Nam and Zimbabwe joined in sponsoring the draft resolution.

84. At its 48th meeting, on 28 November, the Committee adopted draft resolution A/C.3/67/L.41 by a recorded vote of 121 to 53, with 5 abstentions (see para. 137, draft resolution XII). The voting was as follows:[5]

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of) Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Afghanistan, Armenia, Papua New Guinea, Samoa, Singapore.

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[5] The delegation of Ethiopia and Turkmenistan subsequently indicated that they had intended to vote in favour.

85. Before the vote, statements were made by the representatives of Cyprus (on behalf of the European Union) and the United States of America (see A/C.3/67/SR.48).

M. Draft resolutions A/C.3/67/L.42 and Rev.1

86. At the 38th meeting, on 15 November, the representative of Cuba, on behalf of Albania, Algeria, Angola, Antigua and Barbuda, the Bahamas, Barbados, Belarus, Bolivia (Plurinational State of), Brazil, Burundi, Cameroon, China, the Comoros, Côte d'Ivoire, Cuba, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guatemala, Guinea, Guyana, Haiti, India, Iran (Islamic Republic of), Jordan, Kenya, the Lao People's Democratic Republic, Lebanon, Liberia, Madagascar, Mali, Mauritania, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, the Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Slovenia, Somalia, South Sudan, Suriname, Swaziland, the Syrian Arab Republic, Tajikistan, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "The right to food" (A/C.3/67/L.42), which read:

> "*The General Assembly*,
>
> "*Reaffirming* the Charter of the United Nations and its importance for the promotion and protection of all human rights and fundamental freedoms for all,
>
> "*Reaffirming also* all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,
>
> "*Recalling* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,
>
> "*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,
>
> "*Bearing in mind* the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,
>
> "*Reaffirming* the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,
>
> "*Reaffirming also* the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted in Rome on 16 November 2009,
>
> "*Reaffirming further* that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

"*Reaffirming* that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

"*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter and that endanger food security,

"*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

"*Recognizing* that the complex character of the global food crisis, in which the right to adequate food is threatened to be violated on a massive scale, is a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as natural disasters and the lack, in many countries, of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States,

"*Resolved* to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the global food crisis,

"*Expressing its deep concern* at the number and the scale of natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have resulted in substantial loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

"*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

"*Recognizing* the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

"*Recognizing also* the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks, "*Taking note* of the final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Porto Alegre, Brazil, on 10 March 2006,

"*Recalling* the outcome document of the United Nations Conference on Sustainable Development, entitled 'The future we want', adopted by the General Assembly in its resolution 66/288,

"*Acknowledging* the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

"1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

"2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

"3. *Considers it intolerable* that as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 do so from hunger-related illness, that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is about 870 million worldwide, and that an additional 1 billion people are suffering from serious malnutrition, including as a result of the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

"4. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing countries, especially on least developed countries;

"5. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations, entitled *The State of Food Insecurity in the World 2012*, 98 per cent of undernourished people in the world live in developing countries;

"6. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases and that it is estimated that almost twice as many women as men suffer from malnutrition;

"7. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

"8. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

"9. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

"10. *Encourages* all States to take steps with a view to progressively achieving the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

"11. *Recognizes* the advances reached through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

"12. *Stresses* that improving access to productive resources and public investment in rural development are essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

"13. *Recognizes* the critical contribution made by the fisheries sector to the realization of the right to food and to food security;

"14. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access of their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the provision of the right to food;

"15. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to

Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;

"16. *Urges* States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture as a matter of priority;

"17. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed, in different forums, their deep concerns over the obstacles and challenges they face in achieving the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

"18. *Notes* the need to further examine various concepts such as, inter alia, 'food sovereignty' and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

"19. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

"20. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

"21. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

"22. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

"23. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

"24. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

"25. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

"26. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

"27. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

"28. *Stresses* the importance of international cooperation and development assistance as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock, and institutional innovations such as community seed banks, farmer field schools and seed fairs and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

"29. *Also stresses* that States parties to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner that is supportive of food security, while being mindful of the obligation of Member States to promote and protect the right to food;

"30. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, in particular in the Horn of Africa, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

"31. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

"32. *Takes note with appreciation* of the interim report of the Special Rapporteur;

"33. *Supports* the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 13/4 of 24 March 2010;

"34. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

"35. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

"36. *Recalls* General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable access to water resources for human consumption and agriculture in realization of the right to adequate food;

"37. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the United Nations Millennium Declaration;

"38. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

"39. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-eighth session an interim report on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

"40. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

> "41. *Decides* to continue the consideration of the question at its sixty-eighth session under the item entitled 'Promotion and protection of human rights'."

87. At its 48th meeting, on 28 November, the Committee had before it a revised draft resolution entitled "The right to food" (A/C.3/67/L.42/Rev.1), submitted by the sponsors of draft resolutions A/C.3/67/L.42 and Australia, Burkina Faso, Chile, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Honduras, Iceland, Indonesia and the Sudan. Subsequently, Afghanistan, Andorra, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Cambodia, the Central African Republic, the Congo, Costa Rica, Croatia, Cyprus, El Salvador, Finland, France, Germany, Ghana, Greece, Guinea-Bissau, Ireland, Italy, Jamaica, Japan, Kuwait, Kyrgyzstan, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mexico, Mongolia, Montenegro, Nauru, Nepal, the Netherlands, New Zealand, the Niger, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Saudi Arabia, Serbia, Sierra Leone, Solomon Islands, South Africa, Spain, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, Tuvalu, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Vanuatu, Yemen and Zambia joined in sponsoring the draft resolution.

88. At the same meeting, the representative of Cuba orally revised the draft resolution as follows:

(a) In the twelfth preambular paragraph, the words "on a massive scale" were replaced by the words "on a substantive scale";

(b) After the fifteenth preambular paragraph, a new preambular paragraph was added reading:

> "*Recalling* the adoption of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, at the thirty-eighth session of the Committee on World Food Security, held on 11 May 2012, and the 144th session of the Council of the Food and Agriculture Organization of the United Nations";

(c) After operative paragraph 9, a new operative paragraph 10 was added, reading:

> "10. *Calls upon* all States and, if appropriate, relevant international organizations to take measures and support programmes which are aimed at combating undernutrition in mothers and children and the irreversible effects of chronic undernutrition in early childhood, in particular from pregnancy to the age of two years"

and the subsequent paragraphs were renumbered accordingly;

(d) At the end of operative paragraph 25 (former paragraph 24), the words "as well as non-communicable diseases" were added.

89. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/67/L.42/Rev.1, as orally revised (see para. 137, draft resolution XIII).

90. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Canada (see A/C.3/67/SR.48).

N. Draft resolution A/C.3/67/L.43

91. At the 38th meeting, on 15 November, the representative of Cuba, on behalf of Algeria, Belarus, Bolivia (Plurinational State of), Brazil, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Eritrea, Ethiopia, India, Iran (Islamic Republic of), the Lao People's Democratic Republic, Madagascar, Mali, Mauritania, Myanmar, Namibia, Nicaragua, the Russian Federation, Saint Vincent and the Grenadines, Somalia, South Sudan, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Viet Nam, introduced a draft resolution entitled "Promotion of a democratic and equitable international order" (A/C.3/67/L.43). Subsequently, Armenia, Bangladesh, Benin, Burkina Faso, Burundi, Cameroon, the Comoros, the Congo, the Democratic Republic of the Congo, the Dominican Republic, El Salvador, Ghana, Indonesia, Jamaica, Lesotho, Malaysia, Malawi, the Niger, Nigeria, Pakistan, Senegal, Sri Lanka, the Sudan, Swaziland, Vanuatu and Zimbabwe joined in sponsoring the draft resolution.

92. At the 48th meeting, on 28 November, representative of Cuba made a statement (see A/C.3/67/SR.48).

93. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.43 by a recorded vote of 121 to 52, with 7 abstentions (see para. 137, draft resolution XIV). The voting was as follows:

In favour:

> Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Island, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

> Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel,

Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Afghanistan, Chile, Costa Rica, Mexico, Mozambique, Peru, Samoa.

94. Before the vote, the representative of Cyprus made a statement on behalf of the European Union (see A/C.3/67/SR.48).

O. Draft resolutions A/C.3/67/L.44 and Rev.1 and amendments thereto contained in documents A/C.3/67/L.62 to L.66

95. At the 38th meeting, on 15 November, the representative of Croatia, on behalf of Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Cape Verde, Chile, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, the Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, the Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu, introduced a draft resolution (A/C.3/67/L.44) entitled "Moratorium on the use of the death penalty", which read:

> "*The General Assembly*,
>
> "*Guided* by the purposes and principles contained in the Charter of the United Nations,
>
> "*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,
>
> "*Recalling* that capital punishment shall not be imposed for offences committed by persons below eighteen years of age,
>
> "*Reaffirming* its resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,
>
> "*Welcoming* Human Rights Council decision 18/117 of 28 September 2011,

"*Mindful* that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

"*Convinced* that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

"*Noting* ongoing local and national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make available to the public information on the use of the death penalty,

"*Noting also* the technical cooperation among Member States in relation to moratoriums on the death penalty,

"1. *Expresses its deep concern* about the continued application of the death penalty;

"2. *Welcomes* the report of the Secretary-General on the implementation of resolution 65/206 and the recommendations contained therein;

"3. *Also welcomes* the steps taken by some Member States to reduce the number of offences for which the death penalty may be imposed and the decisions made by an increasing number of States, at all levels of Government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

"4. *Calls upon* all States:

"(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

"(b) To make available relevant information with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty;

"(c) To progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below eighteen years of age, pregnant women and persons with mental disabilities;

"(d) To reduce the number of offences for which the death penalty may be imposed and to consider repealing its mandatory imposition;

"(e) To establish a moratorium on executions with a view to abolishing the death penalty;

"5. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

"6. *Also calls upon* States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

"7. *Requests* the Secretary-General to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution;

"8. *Decides* to continue consideration of the matter at its sixty-ninth session under the item entitled 'Promotion and protection of human rights'.

96. At its 40th meeting, on 19 November, the Committee had before it a revised draft resolution, entitled "Moratorium on the use of the death penalty" (A/C.3/67/L.44/Rev.1), submitted by the sponsors of draft resolution A/C.3/67/L.44 and South Africa. Subsequently, the Dominican Republic, Madagascar, the Russian Federation, Rwanda, Tuvalu and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

97. At the same meeting, statements were made by the representatives of Egypt, Grenada and China (see A/C.3/67/SR.40).

Action on amendments to draft resolution A/C.3/67/L.44/Rev.1

98. At its 40th meeting, the Committee took action on proposed amendments to draft resolution A/C.3/67/L.44/Rev.1, which were submitted in documents A/C.3/67/L.62 to L.66, as set out below.

Amendment contained in document A/C.3/67/L.62

99. The representative of Egypt, on behalf of Antigua and Barbuda, Botswana, Brunei Darussalam, Egypt, Eritrea, Kuwait, Malaysia, Singapore, the Sudan, Uganda and Viet Nam, introduced the amendment to draft resolution A/C.3/67/L.44/Rev.1 contained in document A/C.3/67/L.62, by which a new preambular paragraph would be inserted after the second preambular paragraph, reading:

> "*Reaffirming* the sovereign rights of Member States, as enshrined in the Charter of the United Nations, and urging all Member States to implement their obligations under international human rights instruments".

100. At its 40th meeting, the Committee rejected the amendment contained in document A/C.3/67/L.62 by a recorded vote of 84 to 63, with 29 abstentions. The voting was as follows:[6]

In favour:

Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burundi, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the

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[6] The delegation of Armenia subsequently indicated that it had intended to abstain.

Grenadines, Saudi Arabia, Singapore, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Somalia, South Sudan, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Benin, Bhutan, Burkina Faso, Democratic Republic of the Congo, El Salvador, Fiji, Ghana, Guatemala, Guinea, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Liberia, Malawi, Maldives, Mauritania, Morocco, Nauru, Niger, Nigeria, Republic of Korea, Senegal, Sierra Leone, Solomon Islands, South Africa, United Republic of Tanzania, Zambia.

101. Before the vote, statements were made by the representatives of Singapore, Pakistan, Gabon, Argentina and Egypt; after the vote, the representative of the Sudan made a statement (see A/C.3/67/SR.40).

Amendment contained in document A/C.3/67/L.63

102. The representative of Singapore, on behalf of Antigua and Barbuda, Botswana, Brunei Darussalam, China, Egypt, Iran (Islamic Republic of), Malaysia, Singapore, Uganda and Viet Nam, introduced the amendment to draft resolution A/C.3/67/L.44/Rev.1 contained in document A/C.3/67/L.63, by which a new operative paragraph would be inserted after operative paragraph 1, reading:

> "*Reaffirms* the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their obligations under international law".

103. At its 40th meeting, the Committee rejected the amendment contained in document A/C.3/67/L.63 by a recorded vote of 83 to 61, with 31 abstentions. The voting was as follows:[6]

In favour:

Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Botswana, Brunei Darussalam, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malawi, Malaysia, Myanmar, Nicaragua, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Sudan, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Belize, Benin, Bhutan, Bolivia (Plurinational State of), Burkina Faso, Burundi, Democratic Republic of the Congo, Djibouti, El Salvador, Fiji, Ghana, Guatemala, Guinea, Kazakhstan, Kenya, Lebanon, Liberia, Maldives, Mauritania, Morocco, Namibia, Nauru, Niger, Nigeria, Republic of Korea, Senegal, Sierra Leone, Solomon Islands, South Africa, Tajikistan, United Republic of Tanzania, Zambia.

104. Statements were made by the representatives of Cyprus, Egypt, Albania, India and Pakistan (see A/C.3/67/SR.40).

Amendment contained in document A/C.3/67/L.64

105. The representative of Antigua and Barbuda, on behalf of Antigua and Barbuda, Botswana, Brunei Darussalam, Egypt, Malaysia, Singapore, Uganda and Viet Nam, introduced the amendment to draft resolution A/C.3/67/L.44/Rev.1 contained in document A/C.3/67/L.64, by which operative paragraph 4 (b) would be replaced by:

> "To make available relevant information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates".

106. At the same meeting, the representative of Antigua and Barbuda orally revised the amendment so that it read:

> "To make available, as appropriate, information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates".

107. At its 40th meeting, the Committee rejected the amendment contained in document A/C.3/67/L.64, as orally revised, by a recorded vote of 80 to 54, with 37 abstentions. The voting was as follows:

In favour:

> Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burundi, Congo, Cuba, Democratic People's Republic of Korea, Egypt, Ethiopia, Grenada, Guyana, India, Iraq, Jamaica, Japan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Libya, Malawi, Malaysia, Myanmar, Namibia, Nicaragua, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

> Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

> Algeria, Belize, Benin, Bhutan, Burkina Faso, China, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, El Salvador, Fiji, Ghana, Guatemala, Guinea, Indonesia, Jordan, Kenya, Kyrgyzstan, Lebanon, Lesotho, Liberia, Maldives, Mauritania, Morocco, Nauru, Niger, Nigeria, Republic of Korea, Senegal, Sierra Leone, Solomon Islands, South Africa, South Sudan, Tajikistan, Thailand, United Republic of Tanzania, Zambia.

108. Before the vote, statements were made by the representatives of Brazil and Switzerland (see A/C.3/67/SR.40).

Amendment contained in document A/C.3/67/L.65

109. The representative of Trinidad and Tobago, on behalf of Antigua and Barbuda, Botswana, Brunei Darussalam, Egypt, Malaysia, Singapore, Trinidad and Tobago, Uganda and Viet Nam, introduced the amendment to draft resolution A/C.3/67/L.44/Rev.1 contained in document A/C.3/67/L.65, by which a new subparagraph would be inserted after operative paragraph 4 (d), reading:

> "To restrict the crimes for which the death penalty may be imposed to the most serious crimes, pursuant to a final judgement rendered by a competent court, in accordance with the law in force at the time of the commission of the offence".

110. At its 40th meeting, the Committee rejected the amendment contained in document A/C.3/67/L.65 by a recorded vote of 86 to 53, with 35 abstentions. The voting was as follows:

In favour:

Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Botswana, Brunei Darussalam, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Egypt, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Myanmar, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Belize, Benin, Bhutan, Burkina Faso, Comoros, Congo, Democratic Republic of the Congo, Djibouti, El Salvador, Fiji, Ghana, Guatemala, Guinea, Kazakhstan, Kenya, Lebanon, Liberia, Malawi, Maldives, Mauritania, Morocco, Namibia, Nauru, Niger, Nigeria, Republic of Korea, Senegal, Sierra Leone, Solomon Islands, South Africa, South Sudan, Tajikistan, United Republic of Tanzania, Zambia.

111. Before the vote, statements were made by the representatives of Botswana, New Zealand, Mexico and Egypt (see A/C.3/67/SR.40).

Amendment contained in document A/C.3/67/L.66

112. The representative of Botswana, on behalf of Antigua and Barbuda, Botswana, Brunei Darussalam, Egypt, Malaysia, Singapore, Uganda and Viet Nam, introduced the amendment to draft resolution A/C.3/67/L.44/Rev.1 contained in document A/C.3/67/L.66, by which a new subparagraph would be inserted before operative paragraph 4 (e), reading:

> "To comply with their obligations under relevant provisions of international human rights instruments, and to pay due regard to the provisions contained in

articles 6, 14 and 15 of the International Covenant on Civil and Political Rights and articles 37 and 40 of the Convention on the Rights of the Child while bearing in mind relevant international safeguards and guarantees, including the right to seek pardon or commutation of sentence".

113. At its 40th meeting, the Committee rejected the amendment contained in document A/C.3/67/L.66 by a recorded vote of 85 to 55, with 35 abstentions. The voting was as follows:

In favour:

Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Botswana, Brunei Darussalam, Burundi, Cameroon, Congo, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Grenada, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Myanmar, Namibia, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Belize, Benin, Bhutan, Burkina Faso, China, Democratic Republic of the Congo, Djibouti, El Salvador, Fiji, Ghana, Guatemala, Guinea, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Liberia, Malawi, Maldives, Mauritania, Morocco, Nauru, Niger, Nigeria, Republic of Korea, Senegal, Sierra Leone, Solomon Islands, South Africa, South Sudan, Tajikistan, United Republic of Tanzania, United States of America, Zambia.

114. Before the vote, statements were made by the representatives of India, Egypt, Serbia and the Federated States of Micronesia; after the vote, the representative of Botswana made a statement (see A/C.3/67/SR.40).

Action on draft resolution A/C.3/67/L.44/Rev.1 as a whole

115. At its 40th meeting, the Committee adopted draft resolution A/C.3/67/L.44/Rev.1 by a recorded vote of 110 to 39, with 36 abstentions (see para. 137, draft resolution XV). The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of).

Against:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Egypt, Ethiopia, Grenada, Guyana, India, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Libya, Malaysia, Mauritania, Myanmar, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Swaziland, Syrian Arab Republic, Trinidad and Tobago, Uganda, United States of America, Yemen, Zimbabwe.

Abstaining:

Afghanistan, Bahrain, Belarus, Cameroon, Comoros, Cuba, Democratic Republic of the Congo, Djibouti, Eritrea, Fiji, Ghana, Guinea, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malawi, Maldives, Morocco, Namibia, Nigeria, Papua New Guinea, Republic of Korea, Senegal, Sierra Leone, Solomon Islands, Sri Lanka, Suriname, Thailand, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

116. Before the vote, statements were made by the representatives of Croatia, India, Papua New Guinea, the Syrian Arab Republic, Viet Nam, Singapore and the Sudan; after the vote, statements were made by the representatives of Malaysia, Indonesia, Bangladesh, Suriname, Japan, Morocco, Cuba, Egypt, the United States of America and Botswana (see A/C.3/67/SR.40).

P. Draft resolution A/C.3/67/L.45

117. At the 36th meeting, on 13 November, the representative of Denmark, on behalf of Albania, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Guatemala, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Montenegro, New Zealand, Norway, Poland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Turkey, introduced a draft resolution entitled "Committee against Torture" (A/C.3/67/L.45). Subsequently, Argentina, Armenia, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, the Dominican Republic, Ecuador, Georgia, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Malta, the Netherlands, Peru, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Ukraine, Uruguay and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

118. At the 42nd meeting, on 20 November, the attention of the Committee was drawn to a statement of the programme budget implications of the draft resolution, contained in document A/C.3/67/L.60.

119. At the same meeting, the representative of Denmark orally revised operative paragraph 1 of the draft resolution by replacing the words "encourages the Committee" with the words "urges the Committee".

120. Also at its 42nd meeting, the Committee adopted draft resolution A/C.3/67/L.45, as orally revised (see para. 137, draft resolution XVI).

121. After the adoption of the draft resolution, statements were made by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland (also on behalf of Japan) and Japan (see A/C.3/67/SR.42).

Q. Draft resolution A/C.3/67/L.46

122. At the 41st meeting, on 20 November, the representative of Azerbaijan, on behalf of Albania, Argentina, Armenia, Azerbaijan, Benin, Chile, Côte d'Ivoire, Ethiopia, Fiji, Gabon, Georgia, Guatemala, Israel, Jordan, Kazakhstan, Kyrgyzstan, Madagascar, Nigeria, Panama, Saudi Arabia, Senegal, Somalia, South Sudan, Switzerland, Tunisia, Uganda, Ukraine, the United States of America and Uzbekistan, introduced a draft resolution entitled "Missing persons" (A/C.3/67/L.46). Subsequently, Andorra, Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Ecuador, Egypt, Finland, France, Germany, Greece, Haiti, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Montenegro, the Netherlands, New Zealand, Paraguay, Peru, Poland, Portugal, Qatar, the Republic of Moldova, Romania, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Uruguay and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

123. At the 48th meeting, on 28 November, the representative of Azerbaijan made a statement (see A/C.3/67/SR.48).

124. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.46 (see para. 137, draft resolution XVII).

R. Draft resolution A/C.3/67/L.47

125. At the 43rd meeting, on 26 November, the representative of the United Arab Emirates, on behalf of the Organization of Islamic Cooperation, as well as the Dominican Republic, subsequently joined by Australia, Brazil, New Zealand, Thailand and Uruguay, introduced a draft resolution entitled "Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief" (A/C.3/67/L.47), which read:

"*The General Assembly*,

"*Reaffirming* the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

"*Reaffirming also* the obligation of States to prohibit discrimination, hostility and violence on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

"*Reaffirming further* that all human rights are universal, indivisible, interdependent and interrelated,

"*Reaffirming* that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of one's choice and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching,

"*Reaffirming also* that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 (3) of the International Covenant on Civil and Political Rights,

"*Recognizing* the responsibility of democratic societies to prevent provocative portrayals of objects of religious veneration that can result in 'malicious violation of the spirit of tolerance',

"*Reaffirming* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

"*Welcoming* Human Rights Council resolutions 16/18 of 24 March 2011 and 19/25 of 23 March 2012 and General Assembly resolution 66/167 of 19 December 2011,

"*Reaffirming* the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

"*Deeply concerned* about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

"*Deploring* any advocacy of discrimination or violence on the basis of religion or belief, "*Strongly deploring* all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

"*Strongly deploring*, further, all attacks on and in religious places, sites and shrines in violation of international law, in particular human rights law and international humanitarian law, including any deliberate destruction of relics and monuments,

"*Concerned* about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

"*Deeply alarmed* at the instances of intolerance, discrimination and acts of violence occurring in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

"*Expressing concern* at the growing manifestations of intolerance based on religion or belief that can generate hatred and violence among individuals composing different nations and have serious implications for international peace and security, and in this regard emphasizing the importance of respect for religious and cultural diversity, as well as interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

"*Recognizing* the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

"*Underlining* the fact that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

"*Underlining also* the importance of raising awareness about different cultures and religions and of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for religious and cultural diversity, including with regard to religious expression, and underlining further the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

"*Recognizing* that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education is an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

"*Welcoming* the inauguration of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna, on the basis of the purposes and principles enshrined in the Universal Declaration of Human Rights, and acknowledging the important role that the Centre is expected to play as a platform for the enhancement of interreligious and intercultural dialogue,

"*Welcoming also*, in this regard, all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including recent initiatives of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme 'United in diversity' and taking note of the holding of five regional workshops on related issues, in Austria, Chile, Kenya, Morocco and Thailand, by the Office of the United Nations High Commissioner for Human Rights,

"1. *Takes note* of the report of the Secretary-General on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, submitted in accordance with its resolution 66/167;

"2. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist individuals, organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Government officials;

"3. *Expresses concern* that the number of incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continues to rise in some parts of the world and to have serious implications for international peace and security, condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution and consistent with their obligations under international human rights law, to address and combat such incidents;

"4. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

"5. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and expresses its conviction that a continuing dialogue on these issues can help to overcome existing misperceptions;

"6. *Also recognizes* the strong need for global awareness about the dangerous implications for international peace and security of incitement to discrimination and violence based on hate-oriented speech and expression, and urges all Member States to make renewed efforts to develop educational systems that promote basic human rights values, including tolerance for religious and cultural diversity, which is fundamental to promoting tolerance, peaceful and harmonious multicultural societies;

"7. *Calls upon* all States to take the following actions, as called for by the Secretary-General of the Organization of Islamic Cooperation to foster a domestic environment of religious tolerance, peace and respect by:

"(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

"(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

"(c) Encouraging the training of Government officials in effective outreach strategies;

"(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and developing strategies to counter those causes;

"(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

"(f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

"(g) Understanding the need to combat denigration and the negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-raising;

"(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national, regional and international levels, can play a positive role in combating religious hatred, incitement and violence;

"8. *Calls upon* all States:

"(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

"(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

"(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion or belief, in all sectors of society;

"(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questioning, searches and other law enforcement investigative procedures;

"9. *Also calls upon* all States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take protective measures in cases where they are vulnerable to vandalism or destruction;

"10. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs;

"11. *Encourages* all States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights, and in this respect requests the United Nations High Commissioner for Human Rights to include those updates in her reports to the Human Rights Council;

"12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report that includes information provided by the High Commissioner on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in the present resolution."

126. At the 48th meeting, on 28 November, the representative of the United Arab Emirates orally revised the draft resolution (see A/C.3/67/SR.48).

127. At the same meeting, the representative of Cyprus made a statement (on behalf of the European Union) (see A/C.3/67/SR.48).

128. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/67/L.47, as orally revised (see para. 137, draft resolution XVIII).

129. The representative of the United States of America made a statement (see A/C.3/67/SR.48).

S. Draft resolution A/C.3/67/L.48

130. At the 41st meeting, on 20 November, the representative of Cyprus, on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Monaco, Montenegro, the Netherlands, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, South Sudan, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Freedom of religion or belief" (A/C.3/67/L.48). Subsequently, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Japan, Lebanon, Madagascar, New Zealand, Papua New Guinea, Paraguay, Thailand and Ukraine joined in sponsoring the draft resolution.

131. At the 48th meeting, on 28 November, the representative of Cyprus orally revised the draft resolution as follows:

(a) At the end of the eighth preambular paragraph, the words "and against individuals who express dissent within their religious communities" were deleted;

(b) Operative paragraph 11 (f), which read:

> "The exclusion by States of members of some religious minorities from the protection of the right to freedom of religion or belief",

was deleted;

(c) At the end of operative paragraph 17, the words "in particular his comments on the right of conversion as part of freedom of religion or belief" were deleted.

132. At the same meeting, the Committee adopted draft resolution A/C.3/67/L.48, as orally revised (see para. 137, draft resolution XIX).

133. The representative of the Islamic Republic of Iran made a statement (see A/C.3/67/SR.48).

134. After the vote, the representatives of Turkey and Cyprus made statements (see A/C.3/67/SR.48).

T. Draft resolution A/C.3/67/L.53

135. At the 38th meeting, on 15 November, the representative of France, on behalf of Albania, Andorra, Argentina, Armenia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritania, Mexico, Monaco, Montenegro, Morocco, the Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "International Convention for the Protection of All Persons from Enforced Disappearance" (A/C.3/67/L.53). Subsequently, Azerbaijan, Belize, Cameroon, Canada, the Comoros, Eritrea, Gabon, Grenada, India, Kazakhstan, Mali, Mongolia, New Zealand, Nicaragua, the Niger, Saint Vincent and the Grenadines, Togo, Uganda and Zambia joined in sponsoring the draft resolution.

136. At its 44th meeting, on 26 November, the Committee adopted draft resolution A/C.3/67/L.53 (see para. 137, draft resolution XX).

III. Recommendations of the Third Committee

137. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the Vienna Declaration and Programme of Action of 1993,[1] which reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also its resolutions 32/127 of 16 December 1977, 51/102 of 12 December 1996 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling further its resolution 60/153 of 16 December 2005 on the establishment of a United Nations human rights training and documentation centre for South-West Asia and the Arab region,

Recalling Commission on Human Rights resolution 1993/51 of 9 March 1993[2] and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Reaffirming that regional cooperation plays a fundamental role in promoting and protecting human rights and should reinforce universal human rights, as contained in international human rights instruments, and their protection,

Welcoming the training activities and regional consultations conducted by the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region,

Noting that the developments in the Middle East and North Africa have generated growing demand for the services of the Centre, which as a result will not be able to discharge its mandate effectively without the allocation of adequate resources on an ongoing basis from the regular budget of the United Nations, as identified in the report of the United Nations High Commissioner for Human Rights,[3]

Mindful of the vastness of and the diversity within South-West Asia and the Arab region,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[3] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 36* (A/67/36), para. 71.

1. *Welcomes* the activities of the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region;

2. *Notes* the support provided for the establishment of the Centre by the host country;

3. *Also notes* that the Centre has conducted a number of training activities and regional consultations on United Nations human rights mechanisms, human trafficking, media and human rights education;

4. *Further notes* that the Centre is receiving an increasing number of requests for training and documentation, including in the Arabic language, which require additional resources and the reinforcement of its activities;

5. *Requests* the Secretary-General to provide funds and human resources from the regular budget of the United Nations, beginning in the biennium 2014 2015, to enable the Centre to respond positively and effectively to the growing needs in South-West Asia and the Arab region, to fulfil its mandate to undertake training and documentation activities and to support such efforts undertaken within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations according to international human rights standards;

6. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution.

Draft resolution II

The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in which the Conference reaffirmed the important and constructive role played by national human rights institutions,

Reaffirming its resolution 65/207 of 21 December 2010 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights welcomed by the General Assembly in its resolution 48/134 of 20 December 1993 and annexed thereto,

Reaffirming its previous resolutions on national institutions for the promotion and protection of human rights, in particular resolution 66/169 of 19 December 2011,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of the Ombudsman, mediator and other national human rights institutions, and recognizing the important role that these institutions can play, in accordance with their mandate, in support of domestic complaint resolution,

Recognizing the role of the existing Ombudsman, whether a male or female, mediator and other national human rights institutions in the promotion and protection of human rights and fundamental freedoms,

Underlining the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions, where they exist, in order to enable them to consider all issues related to their fields of competence,

Considering the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, as well as improving their relations with citizens, and in strengthening the delivery of public services,

Considering also the important role of the existing Ombudsman, mediator and other national human rights institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Stressing that these institutions, where they exist, can play an important role in advising the Government with respect to bringing national legislation and national practices into line with their international human rights obligations,

Stressing also the importance of international cooperation in the field of human rights, and recalling the role played by regional and international associations of the Ombudsman, mediator and other national human rights institutions in promoting cooperation and sharing best practices,

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

Noting with satisfaction the active work of the Association of Mediterranean Ombudsmen and the active continuing work of the Ibero American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of la Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network Initiative, the International Ombudsman Institute and other active ombudsman and mediator associations and networks,

1. *Takes note with appreciation* of the report of the Secretary-General;[3]

2. *Encourages* Member States:

(a) To consider the creation or the strengthening of independent and autonomous ombudsman, mediator and other national human rights institutions at the national and, where applicable, the local level;

(b) To endow ombudsman, mediator and other national human rights institutions, where they exist, with an adequate legislative framework and financial means in order to ensure the efficient and independent exercise of their mandate and to strengthen the legitimacy and credibility of their actions as mechanisms for the promotion and protection of human rights;

(c) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of the Ombudsman, mediator and other national human rights institutions;

3. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions, including the Ombudsman, mediator and other national human rights institutions, which is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;

4. *Welcomes* the active participation of the Office of the United Nations High Commissioner for Human Rights in all international and regional meetings of the Ombudsman, mediator and other national human rights institutions;

5. *Encourages* the Office of the United Nations High Commissioner for Human Rights, through its advisory services, to develop and support activities dedicated to the existing Ombudsman, mediator and other national human rights institutions and to strengthen their role within national systems for human rights protection;

6. *Encourages* the Ombudsman, mediator and other national human rights institutions, where they exist:

(a) To operate, as appropriate, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles")[4] and other relevant international instruments, in order to strengthen their independence and autonomy and to enhance their capacity to assist Member States in the promotion and protection of human rights;

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[3] A/67/288.

[4] Resolution 48/134, annex.

(b) To request, in cooperation with the Office of the United Nations High Commissioner for Human Rights, their accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution.

Draft resolution III
Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Elimination of All Forms of Discrimination against Women,[3] the Convention on the Rights of the Child,[4] the International Convention on the Elimination of All Forms of Racial Discrimination,[5] the Convention on the Rights of Persons with Disabilities[6] and other human rights instruments adopted by the United Nations,

Recalling its resolution 47/196 of 22 December 1992, by which it declared 17 October the International Day for the Eradication of Poverty, and its resolution 62/205 of 19 December 2007, by which it proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017), as well as its resolution 65/214 of 21 December 2010 and its previous resolutions on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them,

Recalling also its resolution 52/134 of 12 December 1997, in which it recognized that the enhancement of international cooperation in the field of human rights was essential for the effective understanding, promotion and protection of all human rights,

Recalling further Human Rights Council resolutions 2/2 of 27 November 2006,[7] 7/27 of 28 March 2008,[8] 8/11 of 18 June 2008,[9] 12/19 of 2 October 2009[10] and 15/19 of 30 September 2010,[11]

Recalling Human Rights Council resolution 21/11 of 27 September 2012,[12] by which the Council adopted the guiding principles on extreme poverty and human rights as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate,

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, and welcoming the high-level plenary meeting of the General Assembly on the Millennium Development Goals, and recalling its outcome document, contained in resolution 65/1 of 22 September 2010,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[4] Ibid., vol. 1577, No. 27531.

[5] Ibid., vol. 660, No. 9464.

[6] Resolution 61/106, annex I.

[7] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. I, sect. A.

[8] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] Ibid., chap. III, sect. A.

[10] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.

[11] Ibid., *Supplement No. 53A* (A/65/53/Add.1), chap. II.

[12] Ibid., *Sixty-seventh Session, Supplement No., 53A* (A/67/53/Add.1), chap. II.

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and its manifestations, such as hunger, trafficking in human beings, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, while acknowledging the significant progress made in several parts of the world in combating extreme poverty,

Deeply concerned also that gender inequality, violence and discrimination exacerbate extreme poverty, disproportionally impacting women and girls,

Stressing that special attention should be given to children, older persons, persons with disabilities and indigenous peoples who are living in extreme poverty,

Concerned by the challenges faced today, including those derived from the financial and economic crisis, the food crisis and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity, and by their impact on the increase in the number of people living in extreme poverty and their negative effect on the capacity of all States, especially developing countries, to fight extreme poverty,

Recognizing that the eradication of extreme poverty is a major challenge within the process of globalization and requires coordinated and continued policies through decisive national action and international cooperation,

Recognizing also that social protection systems make a critical contribution to the realization of human rights for all, in particular for those who are in vulnerable or marginalized situations and are trapped in poverty and subject to discrimination,

Stressing the necessity of better understanding and addressing the causes and consequences of extreme poverty,

Reaffirming that, since the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and may, in some situations, constitute a threat to the right to life, its immediate alleviation and eventual eradication must remain a high priority for the international community,

Stressing that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty,

Reaffirming that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that it is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live, in the promotion of human rights and in efforts to combat extreme poverty and that it is essential for people living in and affected by poverty and in vulnerable or marginalized groups or situations to be empowered to organize themselves and to participate in all aspects of political, economic, social and cultural life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development;

3. *Emphasizes* that extreme poverty is a major issue to be addressed by governments, civil society, community-based social organizations and the United Nations system, including international financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

4. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

5. *Recognizes* the need to promote respect for human rights and fundamental freedoms in order to address the most pressing social needs of people living in poverty, including through the design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance;

6. *Reaffirms* the commitments contained in the United Nations Millennium Declaration,[13] in particular the commitments to spare no effort to fight against extreme poverty and to achieve development and poverty eradication, including the commitment to halve, by 2015, the proportion of the world's people whose income is less than one United States dollar a day and the proportion of people who suffer from hunger;

7. *Also reaffirms* the commitment made at the 2005 World Summit to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all, including women and girls;[14]

8. *Further reaffirms* the commitment made at the high-level plenary meeting of the General Assembly on the Millennium Development Goals to accelerating progress in order to eradicate extreme poverty and hunger by 2015;[15]

9. *Recalls* that promoting universal access to social services and providing social protection floors can make an important contribution to consolidating and achieving further development gains and that social protection systems that address and reduce inequality and social exclusion are essential for protecting the gains made towards the achievement of the Millennium Development Goals, and in this regard takes note of International Labour Organization recommendation No. 202 on social protection floors;

10. *Encourages* States, when designing, implementing, monitoring and evaluating social protection programmes, to ensure gender mainstreaming and the promotion and protection of all human rights in accordance with their obligations under international human rights law, through this process;

11. *Also encourages* States to take all necessary measures to eliminate discrimination against all persons, in particular those living in poverty, and to refrain from adopting any laws, regulations or practices denying or limiting the enjoyment of all human rights and fundamental freedoms, including economic, social and cultural rights, and to ensure that people, in particular those living in poverty, have equal access to justice;

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[13] Resolution 55/2.

[14] See resolution 60/1.

[15] See resolution 65/1.

12. *Welcomes* the ongoing efforts to strengthen and support South-South cooperation and triangular cooperation, and stresses that South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation;

13. *Encourages* the international community to strengthen its efforts to address challenges that are contributing to extreme poverty, including those derived from the financial and economic crisis, the food crisis and ongoing concerns over food security, as well as the increasing challenges posed by climate change and the loss of biodiversity in all parts of the world, especially in developing countries, by enhancing its cooperation to help to build national capacities;

14. *Reaffirms* the critical role of both formal and informal education in the achievement of poverty eradication and other development goals as envisaged in the Millennium Declaration, in particular basic education and training for eradicating illiteracy, and efforts towards expanded secondary and higher education as well as vocational education and technical training, especially for girls and women, the creation of human resources and infrastructure capabilities and the empowerment of those living in poverty, and in this context reaffirms the Dakar Framework for Action adopted at the World Education Forum on 28 April 2000,[16] and recognizes the importance of the United Nations Educational, Scientific and Cultural Organization strategy for the eradication of poverty, especially extreme poverty, in supporting the Education for All programmes as a tool to achieve the Millennium Development Goal of universal primary education by 2015;

15. *Invites* the United Nations High Commissioner for Human Rights to continue to give high priority to the question of the relationship between extreme poverty and human rights, and also invites her to further pursue the work in this area;

16. *Calls upon* States, United Nations bodies, in particular the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, intergovernmental organizations and non-governmental organizations to continue to give appropriate attention to the links between human rights and extreme poverty, and encourages the private sector and international financial institutions to proceed likewise;

17. *Takes note with appreciation* of the guiding principles on extreme poverty and human rights, adopted by the Human Rights Council in its resolution 21/11 as a useful tool for States in the formulation and implementation of poverty reduction and eradication policies, as appropriate;

18. *Encourages* Governments, relevant United Nations bodies, funds and programmes, specialized agencies, other intergovernmental organizations and national human rights institutions as well as non-governmental organizations and non-State actors, including the private sector, to consider the guiding principles in the formulation and implementation of their policies and measures concerning persons affected by extreme poverty;

19. *Requests* the Office of the United Nations High Commissioner for Human Rights to disseminate the guiding principles, as appropriate;

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[16] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

20. *Welcomes* the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and the internationally agreed development goals set out therein into their work;

21. *Also welcomes* the work undertaken by the Special Rapporteur on extreme poverty and human rights and her reports, submitted to the General Assembly at its sixty-sixth and sixty-seventh sessions;[17]

22. *Decides* to consider the question further at its sixty-ninth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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[17] See A/66/265 and A/67/278.

Draft resolution IV
Globalization and its impact on the full enjoyment of all human rights

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and expressing, in particular, the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Recalling the Universal Declaration of Human Rights,[1] as well as the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3] the outcome document of the Durban Review Conference, adopted in 2009,[4] and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the Durban Declaration and Programme of Action in 2011, entitled "United against racism, racial discrimination, xenophobia and related intolerance",[5]

Recalling also the International Covenant on Civil and Political Rights[6] and the International Covenant on Economic, Social and Cultural Rights,[6]

Recalling further the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling the United Nations Millennium Declaration[7] and the outcome documents of the twenty-third[8] and twenty-fourth[9] special sessions of the General Assembly, held in New York from 5 to 10 June 2000 and in Geneva from 26 June to 1 July 2000, respectively,

Recalling also its resolutions 66/161 and 66/154 of 19 December 2011,

Recalling further Commission on Human Rights resolution 2005/17 of 14 April 2005 on globalization and its impact on the full enjoyment of all human rights,[10]

Recalling Human Rights Council resolutions 17/4 of 16 June 2011[11] on human rights and transnational corporations and other business enterprises, and 21/5 of 27 September 2012[12] on the contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights,

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[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] See A/CONF.189/12 and Corr.1, chap. I.

[4] See A/CONF.211/8, chap. I.

[5] Resolution 66/3.

[6] See resolution 2200 A (XXI), annex.

[7] Resolution 55/2.

[8] Resolution S-23/2, annex, and resolution S-23/3, annex.

[9] Resolution S-24/2, annex.

[10] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[11] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.

[12] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

Recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Realizing that globalization affects all countries differently and makes them more exposed to external developments, positive as well as negative, inter alia, in the field of human rights,

Realizing also that globalization is not merely an economic process, but that it also has social, political, environmental, cultural and legal dimensions, which have an impact on the full enjoyment of all human rights and fundamental freedoms,

Emphasizing the need to fully implement the global partnership for development and enhance the momentum generated by the 2005 World Summit in order to operationalize and implement the commitments made in the outcomes of the major United Nations conferences and summits, including the 2005 World Summit, in the economic, social and related fields, and reaffirming in particular the commitment contained in paragraphs 19 and 47 of the 2005 World Summit Outcome[13] to promote fair globalization and the development of the productive sectors in developing countries to enable them to participate more effectively in and benefit from the process of globalization,

Realizing the need to undertake a thorough, independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, convinced that, in their rich variety and diversity and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind, and aware of the risk that globalization poses more of a threat to cultural diversity if the developing world remains poor and marginalized,

Recognizing also that multilateral mechanisms have a unique role to play in meeting the challenges and opportunities presented by globalization,

Realizing the need to consider the opportunities and challenges linked to globalization with a view to addressing such challenges and building on possible opportunities in order to achieve the full enjoyment of all human rights,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy,

Expressing grave concern at the negative impact of international financial turmoil on social and economic development and on the full enjoyment of all human rights, particularly in the light of the continuing global financial and economic crisis, which has an adverse impact on the realization of the internationally agreed development goals, particularly the Millennium Development Goals, and recognizing that developing countries are in a more vulnerable situation when facing such impact and that regional economic cooperation and development strategies and programmes can play a role in mitigating such impact,

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[13] See resolution 60/1.

Expressing deep concern at the negative impact of the continuing global food and energy crises and climate change challenges on social and economic development and on the full enjoyment of all human rights for all,

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equity, participation, accountability, non-discrimination at both the national and the international levels, respect for diversity, tolerance and international cooperation and solidarity,

Emphasizing that the existence of widespread extreme poverty inhibits the full realization and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries is unsustainable and constitutes one of the principal obstacles to achieving sustainable development and poverty eradication and that, for many developing countries, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Strongly reiterating the determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including those agreed at the Millennium Summit, described as the Millennium Development Goals, which have helped to galvanize efforts towards poverty eradication,

Gravely concerned at the inadequacy of measures to narrow the widening gap between the developed and the developing countries, and within countries, which has contributed to, inter alia, deepening poverty and has adversely affected the full enjoyment of all human rights, in particular in developing countries,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Emphasizing also that human beings strive for a world that is respectful of human rights and cultural diversity and that, in this regard, they work to ensure that all activities, including those affected by globalization, are consistent with those aims,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Emphasizes* that development should be at the centre of the international economic agenda and that coherence between national development strategies and international obligations and commitments is imperative for an enabling environment for development and an inclusive and equitable globalization;

3. *Reaffirms* that narrowing the gap between rich and poor, both within and between countries, is an explicit goal at the national and international levels, as part of the effort to create an enabling environment for the full enjoyment of all human rights;

4. *Also reaffirms* the commitment to create an environment at both the national and the global levels that is conducive to development and to the eradication of poverty by, inter alia, promoting good governance within each country and at the international level, eliminating protectionism, enhancing transparency in the financial, monetary and trading systems and committing to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

5. *Recognizes* the impacts that the global financial and economic crisis is still having on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of this crisis, and in this context calls upon all States and the international community to alleviate, in an inclusive and development-oriented manner, any negative impacts of this crisis on the realization and the effective enjoyment of all human rights;

6. *Also recognizes* that, while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries;

7. *Welcomes* the report of the United Nations High Commissioner for Human Rights on globalization and its impact on the full enjoyment of human rights,[14] which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

8. *Reaffirms* the international commitment to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that the relevant United Nations organizations should be assured the resources needed to expand and enhance their food assistance, and support social safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local or regional purchase;

9. *Calls upon* Member States, relevant agencies of the United Nations system, intergovernmental organizations and civil society to promote inclusive, equitable and environmentally sustainable economic growth for managing globalization so that poverty is systematically reduced and the international development targets are achieved;

10. *Recognizes* that the responsible operations of transnational corporations and other business enterprises can contribute to the promotion, protection and fulfilment of all human rights and fundamental freedoms, in particular economic, social and cultural rights;

11. *Also recognizes* that only through broad and sustained efforts, including policies and measures at the global level to create a shared future based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable and have a human face, thus contributing to the full enjoyment of all human rights;

12. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

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[14] E/CN.4/2002/54.

13. *Affirms* that globalization is a complex process of structural transformation, with numerous interdisciplinary aspects, which has an impact on the enjoyment of civil, political, economic, social and cultural rights, including the right to development;

14. *Also affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that promotes and protects human rights while ensuring respect for the cultural diversity of all;

15. *Underlines*, therefore, the need to continue to analyse the consequences of globalization for the full enjoyment of all human rights;

16. *Takes note* of the report of the Secretary-General,[15] and requests him to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the General Assembly at its sixty-eighth session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

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[15] A/67/163.

Draft resolution V
Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular articles 6, 7, 9 and 10 of the Covenant, the Convention on the Rights of the Child,[3] in particular articles 37, 39 and 40, and the International Covenant on Economic, Social and Cultural Rights,[4] as well as all other relevant international treaties,

Calling attention to the numerous international standards in the field of the administration of justice,

Recalling all the resolutions of the General Assembly, the Human Rights Council, the Commission on Human Rights and the Economic and Social Council that are relevant to the subject of human rights in the administration of justice, including General Assembly resolutions 62/158 of 18 December 2007 and 65/213 of 21 December 2010, and Human Rights Council resolutions 10/2 of 25 March 2009[5] and 18/12 of 29 September 2011,[6]

Recalling also General Assembly resolution 67/1 of 24 September 2012 entitled "Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels",

Welcoming the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance,[7] and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Welcoming also the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[8]

Welcoming further the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[9]

Taking note of general comments No. 21, on the humane treatment of persons deprived of their liberty, and No. 32, on the right to equality before courts and tribunals and to a fair trial, adopted by the Human Rights Committee, and general comments No. 10, on children's rights in juvenile justice, and No. 13, on the right of the child to freedom from all forms of violence, adopted by the Committee on the Rights of the Child,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] See resolution 2200 A (XXI), annex.

[5] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[6] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.

[7] Resolution 61/177, annex.

[8] Resolution 65/229, annex.

[9] See *Official Records of the Economic and Social Council, 2012, Supplement No. 10* (E/2012/30), chap. I, sect. A.

Noting with appreciation the important work in the field of the administration of justice of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Children's Fund, the Department of Peacekeeping Operations of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) as well as the work of the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in their respective work,

Convinced that the independence and impartiality of the judiciary and the integrity of the judicial system as well as an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, and for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations,

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice as a crucial contribution to building peace and justice and ending impunity,

Recognizing the importance of the principle that persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration,

Recalling that the social rehabilitation of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are able to lead a law-abiding and self-supporting life upon their return to society,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Recognizing the specific situation and needs of children formerly associated with armed forces or armed groups when accused of crimes under international law allegedly committed while associated with armed forces or armed groups,

Reaffirming that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, as well as being an important consideration in all matters concerning the child related to sentencing of his or her parents, or, where applicable, legal guardians or primary caregivers,

1. *Takes note with appreciation* of the most recent report of the Secretary-General;[10]

2. *Also takes note with appreciation* of the most recent report of the United Nations High Commissioner for Human Rights on the protection of human rights of juveniles deprived of their liberty[11] and the joint report of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children, on prevention of and responses to violence against children within the juvenile justice system,[12] both submitted to the Human Rights Council;

3. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

4. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the United Nations High Commissioner for Human Rights in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

8. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

9. *Notes* the work of the open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and in this regard invites the expert group to benefit from the expertise of the United Nations Office on Drugs and Crime and of the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders;

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[10] A/67/260.

[11] A/HRC/21/26.

[12] A/HRC/21/25.

10. *Recalls* the absolute prohibition of torture in international law, and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment;

11. *Urges* States to endeavour to reduce, where appropriate, pretrial detention, inter alia, by adopting legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance;

12. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including through enhancing the use of alternatives to pretrial detention and custodial sentences where possible, access to legal aid and the efficiency as well as the capacity of the criminal justice system and its facilities;

13. *Continues to encourage* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[8] when developing and implementing relevant legislation, procedures, policies and action plans, and invites relevant special procedure mandate holders, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and all other relevant organizations to take those rules into consideration in their activities;

14. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, and calls upon States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions;

15. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency, as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and complying with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

16. *Stresses* the importance of including reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

17. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

18. *Also urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release, nor corporal punishment is imposed for offences committed by persons under 18 years of age, and invites States to consider repealing all other forms of life imprisonment for offences committed by persons under 18 years of age;

19. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and in this respect refers to the recommendation of the Committee on the Rights of the Child to increase the lower minimum age of criminal responsibility without exception to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;

20. *Also encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

21. *Stresses* the importance of paying greater attention to the impact of the imprisonment of parents on their children, while noting with interest the day of general discussion on the theme "The situation of children of prisoners", held by the Committee on the Rights of the Child on 30 September 2011, as well as the summary report on the full-day meeting of the Human Rights Council on the rights of the child;[13]

22. *Invites* Governments to provide for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

23. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

24. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations entities and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

25. *Invites* the Human Rights Council and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights, the Special Representative of the Secretary-General on Violence against Children and the United Nations Office on Drugs and Crime, to continue to closely coordinate their activities relating to the administration of justice;

26. *Invites* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations, and in this context to cooperate with relevant departments of the Secretariat, including the

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[13] A/HRC/21/31.

Peacebuilding Support Office, the Department of Political Affairs and the Department of Peacekeeping Operations;

27. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and of respecting the rule of law and human rights, including in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity, and in this respect requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the Rule of Law Coordination and Resource Group chaired by the Deputy Secretary-General and supported by the Rule of Law Unit of the Secretariat, and in cooperation with the Peacebuilding Commission, including assistance provided through United Nations field presences;

28. *Invites* States, in the context of the universal periodic review mechanism and in their reports under international human rights treaties, to consider addressing the promotion and protection of human rights in the administration of justice;

29. *Invites* relevant special procedure mandate holders of the Human Rights Council as well as relevant treaty bodies to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

30. *Invites* the Commission on Crime Prevention and Criminal Justice to consider developing a set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice in consultation with all Member States and in close collaboration with all relevant United Nations entities, in particular with the Special Representative of the Secretary-General on Violence against Children and the Office of the United Nations High Commissioner for Human Rights;

31. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-fourth session a report on the latest developments, challenges and good practices in human rights in the administration of justice, analysing the international legal and institutional framework for the protection of all persons deprived of their liberty, as well as the activities undertaken by the United Nations system as a whole;

32. *Decides* to continue its consideration of the question of human rights in the administration of justice at its sixty-ninth session under the item entitled "Promotion and protection of human rights".

Draft resolution VI
Committee on the Rights of the Child

The General Assembly,

Reaffirming the Convention on the Rights of the Child[1] and the Optional Protocols thereto,[2]

Noting the report of the Secretary-General on the status of the Convention on the Rights of the Child[3] and the report of the Committee on the Rights of the Child,[4]

Noting the request of the Committee contained in annex III of its report,

Recalling its resolutions 66/254 of 23 February 2012 and 66/295 of 17 September 2012 on the intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system, and recognizing in this regard that a long-term solution to the problem of the increasing backlog of reports of States parties to the Convention on the Rights of the Child and the Optional Protocols awaiting review by the Committee can be found in this context,

1. *Expresses its appreciation* for the efforts made so far by the Committee on the Rights of the Child to improve the efficiency of its working methods, and encourages the Committee to build upon its activities in this regard;

2. *Notes* that a backlog of more than one hundred reports exists related to the submission by States parties of their reports under the Convention on the Rights of the Child and the Optional Protocols in conformity with their obligations, and notes with concern that if this backlog is not addressed, it will impede the ability of the Committee on the Rights of the Child to consider reports in a timely manner;

3. *Decides* to authorize the Committee, recognizing that such a temporary measure is not a long-term solution to the backlog and without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, to meet in parallel chambers, of nine members each, for the five working days of one of its three pre-sessional working group meetings in 2014 and thirteen working days of one of its three regular sessions in 2015, for the purposes of considering the reports of the States parties submitted under article 44 of the Convention, article 8 of the Optional Protocol thereto on the involvement of children in armed conflict[5] and article 12 of the Optional Protocol thereto on the sale of children, child prostitution and child pornography,[6] taking due account of equitable geographical distribution and the principal legal systems;

4. *Invites* States parties to adhere to the page limit established by the Committee for reports of States parties, and notes that this would reduce the operating costs of the Committee.

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[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[2] Ibid., vols. 2171 and 2173, No. 27531 and resolution 66/138.

[3] A/67/225.

[4] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 41* (A/67/41).

[5] United Nations, *Treaty Series*, vol. 2173, No. 27531.

[6] Ibid., vol. 2171, No. 27531.

Draft resolution VII
Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights[2] and other relevant human rights conventions,

Reaffirming the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Council resolution 17/5 of 16 June 2011,[3]

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949,[4] which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

Mindful of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights and of the Human Rights Council on the subject,

Noting with deep concern that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Noting with deep concern the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

Noting also with deep concern the continuing instances of the arbitrary deprivation of life, as a result of the imposition and implementation of capital punishment in a manner that violates international law,

Deeply concerned about acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world,

Acknowledging that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court,[5] and recalling in this regard that each individual State has the responsibility to protect its populations from such crimes as set out in General Assembly resolutions 60/1 of 16 September 2005 and 63/308 of 14 September 2009,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[5] Ibid., vol. 2187, No. 38544.

Convinced of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent flagrant violations of international human rights law, particularly the right to life, as well as violations of international humanitarian law,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

3. *Reiterates* the obligation of all States under international law to conduct thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;[6]

4. *Calls upon* Governments, and invites intergovernmental and non-governmental organizations, to pay greater attention to the work of national-level commissions of inquiry into extrajudicial, summary or arbitrary executions with a view to ensuring the effective contribution of these commissions to accountability and to combating impunity;

5. *Calls upon* all States, in order to prevent extrajudicial, summary or arbitrary executions, to comply with their obligations under relevant provisions of international human rights instruments, and further calls upon States which retain the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989 and taking into account the recommendations of the Special Rapporteur in the reports to the Human Rights Council and the General Assembly, including his report submitted to the General Assembly at its sixty-seventh session,[8] regarding the need to respect all safeguards and restrictions, including the most serious crimes limitation, stringent respect of due process and fair trial safeguards and the right to seek pardon or commutation of sentence;

6. *Urges* all States:

(a) To take all measures required by international human rights law and international humanitarian law to prevent loss of life, in particular that of children, during detention, arrest, public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials[9] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[10]

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[6] Economic and Social Council resolution 1989/65, annex.

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[8] A/67/275.

(b) To ensure the effective protection of the right to life of all persons under their jurisdiction, to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities or because of their sexual orientation or gender identity, killings of persons affected by terrorism or hostage-taking or living under foreign occupation, killings of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, and all killings committed for discriminatory reasons on any basis, to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

7. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody;

8. *Urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for international humanitarian and human rights law and that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners[11] and, where applicable, to the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto, of 8 June 1977,[12] in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

9. *Urges* States to prevent and, where such situations exist, to end prisoner control of prisons, bearing in mind the obligation of the State to protect human rights, including protection against extrajudicial, summary or arbitrary executions;

10. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, noting the growing awareness of the Court worldwide, calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the

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[9] Resolution 34/169, annex.

[10] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

[11] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[12] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences, further welcomes the fact that one hundred and twenty-one States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute of the Court,[5] and calls upon all those States that have not ratified or acceded to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court[13] to give serious consideration to doing so;

11. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, urges States to intensify efforts to establish and implement effective witness protection programmes or other measures, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools designed to encourage and facilitate greater attention to the protection of witnesses;

12. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in international humanitarian and human rights law connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the High Commissioner to support endeavours to that end;

13. *Expresses its concern* about the occurrence of vigilante killings around the globe, encourages States, in order to support efforts to prevent and end such killings, to undertake or facilitate systematic studies of the phenomenon with a view to taking context-specific measures and focused action, and requests the Office of the High Commissioner and other relevant United Nations entities, upon request, to support such studies and their follow-up;

14. *Takes note* of the reports of the Special Rapporteur to the General Assembly and the Human Rights Council, and invites States to take due consideration of the recommendations made therein;[14]

15. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

16. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary or arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges the Special Rapporteur to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

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[13] United Nations, *Treaty Series*, vol. 2271, No. 40446.

[14] See A/67/275 and A/66/330.

17. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

18. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

19. *Expresses its appreciation* to those States that have received the Special Rapporteur, asks them to examine his recommendations carefully, invites them to inform him of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

20. *Requests* the Secretary-General once again to continue to use his best endeavours in cases where the minimum standards of legal safeguards in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

21. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

22. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in international humanitarian and human rights law form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

23. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-eighth and sixty-ninth sessions a report on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon;

24. *Decides* to continue its consideration of the question at its sixty-ninth session.

Draft resolution VIII
Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 66/152 of 19 December 2011, Human Rights Council resolution 19/33 of 23 March 2012[3] and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, the Durban Review Conference, held at Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[4] and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

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[1] A/CONF.157/24 (Part I), chap. III.

[2] Resolution 55/2.

[3] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

[4] See resolution 66/3.

Recalling the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[5]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Emphasizes* the role of international cooperation in support of national efforts and in increasing the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

9. *Calls upon* Member States, the specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

10. *Urges* States to take necessary measures to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive

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[5] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

11. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

12. *Recalls* the initiative of the Human Rights Council to organize a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes and other stakeholders, including academic experts and civil society, as decided in Council resolution 19/33;

13. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council;

14. *Decides* to continue its consideration of the question at its sixty-eighth session.

Draft resolution IX
Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions on this subject, the most recent of which was resolution 66/156 of 19 December 2011, and Human Rights Council decision 18/120 of 30 September 2011[1] and resolution 19/32 of 23 March 2012,[2] as well as previous resolutions of the Council and the Commission on Human Rights,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General submitted pursuant to General Assembly resolution 66/156,[3] and recalling the reports of the Secretary-General on the implementation of Assembly resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as an integral part of all human rights,

Recalling the Final Document of the Sixteenth Ministerial Conference and Commemorative Meeting of the Movement of Non-Aligned Countries, held in Bali, Indonesia, from 23 to 27 May 2011,[6] the Final Document of the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran from 26 to 31 August 2012,[7] and those adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn those measures or laws and their continued application, persevere with efforts to effectively reverse them and urge other States to do likewise, as called for by the General Assembly and other United Nations organs, and request States applying those measures or laws to revoke them fully and immediately,

Recalling also that, at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in accordance with international law and the Charter that creates obstacles to trade relations among States and impedes the full realization of all human rights[8] and also severely threatens the freedom of trade,

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] Ibid., *Sixty-seventh Session, Supplement No. 53* (A/67/53), chap. III.

[3] A/67/181.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

[6] A/65/896-S/2011/407, annex I.

[7] A/67/506-S/2012/752, annex I.

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development adopted by the World Summit for Social Development on 12 March 1995,[9] the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995,[10] the Istanbul Declaration on Human Settlements and the Habitat Agenda adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[11] and their five-year reviews,

Expressing concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented, with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,[12]

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights[13] and the International Covenant on Economic, Social and Cultural Rights,[13] which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

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[8] See A/CONF.157/24 (Part I), chap. III.

[9] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[10] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[11] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[12] Resolution 41/128, annex.

[13] See resolution 2200 A (XXI), annex.

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Human Rights Council, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. *Urges* all States to cease adopting or implementing any unilateral measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature, with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[14] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly urges* States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of economic and social development, particularly in developing countries;

3. *Also urges* all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being and his or her right to food, medical care and education and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

4. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize those measures nor to apply them, as well as to take administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

5. *Condemns* the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures, with all their extraterritorial effects, as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women, the elderly and persons with disabilities;

6. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

7. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights

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[14] Resolution 217 A (III).

instruments to which they are parties by revoking such measures at the earliest possible time;

8. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

9. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the Assembly in its resolution 3281 (XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

10. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment of national laws and their extraterritorial application which are not in conformity with international law, in its task concerning the implementation of the right to development;

11. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

12. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,[12] and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Working Group on the Right to Development of the Human Rights Council;

13. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003,[15] States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

14. *Reiterates its support* for the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

15. *Reaffirms* the request of the Human Rights Council that the Office of the United Nations High Commissioner for Human Rights prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights,

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[15] A/C.2/59/3, annex, chap. I, sect. A.

including recommendations on actions aimed at ending such measures, taking into account all previous reports, resolutions and relevant information available to the United Nations system in this regard, to be submitted to the Council at its nineteenth session;

16. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its sixty-eighth session, while reiterating once again the need to highlight the practical and preventive measures in this respect;

17. *Decides* to examine the question on a priority basis at its sixty-eighth session, under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" of the item entitled "Promotion and protection of human rights".

Draft resolution X
The right to development

The General Assembly,

Guided by the Ch[illegible] the United Nations, which expresses, in particular, the determination to pr[illegible]ocial progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling the Universal Declaration of Human Rights,[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

Recalling also the outcomes of all the major United Nations conferences and summits in the economic and social fields,

Recalling further the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[4]

Deeply concerned that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

Reaffirming the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

Expressing deep concern over the lack of progress in the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

[4] Resolution 55/2.

Recalling the outcome of the twelfth session of the United Nations Conference on Trade and Development, held in Accra from 20 to 25 April 2008, on the theme "Addressing the opportunities and challenges of globalization for development",[5]

Recalling also all its previous resolutions, Human Rights Council resolution 21/32 of 28 September 2012,[6] previous resolutions of the Council and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998[7] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recalling the outcome of the eleventh session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 26 to 30 April 2010, as contained in the report of the Working Group[8] and as referred to in the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,[9]

Recalling also the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran from 26 to 31 August 2012, and the previous summits and conferences at which the States members of the Movement stressed the need to operationalize the right to development as a priority,

Reiterating its continuing support for the New Partnership for Africa's Development[10] as a development framework for Africa,

Expressing its appreciation for the efforts of the Chair-Rapporteur of the Working Group on the Right to Development of the Human Rights Council and the members of the high-level task force on the implementation of the right to development in completing the 2008-2010 three-phase road map established by the Council in its resolution 4/4 of 30 March 2007,[11]

Deeply concerned about the negative impacts of the global economic and financial crises on the realization of the right to development,

Recognizing that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights,

Recognizing also that Member States should cooperate with each other in ensuring development and eliminating obstacles to development, that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

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[5] See TD/442 and Corr.1 and 2.

[6] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[8] A/HRC/15/23.

[9] A/HRC/15/24.

[10] A/57/304, annex.

[11] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. III, sect. A.

Recognizing further that poverty is an affront to human dignity,

Recognizing that extreme poverty and hunger are one of the greatest global threats and require the collective commitment of the international community for its eradication, pursuant to Millennium Development Goal 1, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

Recognizing also that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

1. *Takes note* of the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,[12]

2. *Recognizes* the significance of all the events held to commemorate the twenty-fifth anniversary of the Declaration on the Right to Development,[13] including the panel discussion on the theme "The way forward in the realization of the right to development: between policy and practice", held during the eighteenth session of the Human Rights Council;

3. *Endorses* the conclusions and recommendations adopted by consensus by the Working Group on the Right to Development of the Human Rights Council at its eleventh session,[8] and, while reaffirming them, calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors, noting also the efforts under way within the framework of the Working Group with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4;

4. *Supports* the realization of the mandate of the Working Group, as renewed by the Human Rights Council in its resolution 9/3 of 24 September 2008,[14] with the recognition that the Working Group may convene annual sessions of five working days and submit its reports to the Council;

5. *Welcomes* the launching, in the Working Group on the Right to Development, of the process for considering, revising and refining the draft right-to-

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[12] A/HRC/19/45.

[13] Resolution 41/128, annex.

[14] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

development criteria and corresponding operational subcriteria,[15] with the first reading of the draft criteria;

6. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and also in this regard to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action,[3] to the same level as and on a par with all other human rights and fundamental freedoms;

7. *Notes* the work of the high-level task force on the implementation of the right to development, the mandate of which ended in 2010, including its consolidation of findings and the list of right-to-development criteria and corresponding operational subcriteria;[16]

8. *Encourages* Member States and relevant stakeholders, when submitting views on the work of the high-level task force and the way forward, to take into consideration the essential features of the right to development, using as a reference the Declaration on the Right to Development and resolutions on the right to development of the Commission on Human Rights, the Human Rights Council and the General Assembly;

9. *Stresses* that the above-mentioned compilations of views, criteria and corresponding operational subcriteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

10. *Emphasizes* the importance of the Working Group taking appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including the elaboration of guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

11. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[17] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

12. *Also stresses* that it is important that the Chair-Rapporteur and the Working Group, in the discharge of their mandates, take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

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[15] See A/HRC/15/WG.2/TF/2/Add.2.

[16] See A/HRC/15/WG.2/TF/2 and Corr.1 and Add.1/Corr.1 and Add.2.

[17] See E/CN.4/2002/28/Rev.1, sect. VIII.A.

(b) To also promote effective partnerships such as the New Partnership for Africa's Development[10] and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms, and also urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, funds and programmes, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other non-economic considerations in addressing the issues of concern to the developing countries;

13. *Encourages* the Human Rights Council to continue considering how to ensure follow up to the work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Council;

14. *Invites* Member States and all other stakeholders to participate actively in future sessions of the Social Forum, while recognizing the strong support extended to the Forum at its first four sessions by the Subcommission on the Promotion and Protection of Human Rights;

15. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

16. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated,

places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

17. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

18. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with each other to that end;

19. *Also reaffirms* the need for an international environment that is conducive to the realization of the right to development;

20. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon all States to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

21. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

22. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

23. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

24. *Expresses its deep concern*, in this regard, about the negative impact on the realization of the right to development due to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the ongoing international energy, food and financial crises, as well as the increasing challenges posed by global climate change and the loss of biodiversity, which have increased vulnerabilities and inequalities and have adversely affected development gains, in particular in developing countries;

25. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[4] of halving the number of people living in poverty by 2015, reaffirms the commitment made to meet that target, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

26. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

27. *Recognizes* the need to address market access for developing countries, including in the sectors of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

28. *Calls once again for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization; the implementation of commitments on implementation-related issues and concerns; a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational; the avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

29. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development; stresses in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions; and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

30. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

31. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between the education of women and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

32. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

33. *Recalls* the Political Declaration on HIV and AIDS: Intensifying Our Efforts to Eliminate HIV and AIDS, adopted on 10 June 2011 at the high-level meeting of the General Assembly on HIV/AIDS,[18] stresses that further and

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[18] Resolution 65/277, annex.

additional measures must be taken at the national and international levels to fight HIV and AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

34. *Welcomes* the Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases, adopted on 19 September 2011,[19] with a particular focus on development and other challenges and social and economic impacts, particularly for developing countries;

35. *Recalls* the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want";[20]

36. *Recalls* the Convention on the Rights of Persons with Disabilities,[21] which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in support of national efforts in the realization of the right to development;

37. *Stresses its commitment* to indigenous peoples in the process of the realization of the right to development, and reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007;

38. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

39. *Emphasizes* the urgent need for taking concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption,[22] particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

40. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring effective use of the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office of the High Commissioner with the necessary resources;

41. *Reaffirms* the request to the United Nations High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively

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[19] Resolution 66/2, annex.

[20] Resolution 66/288, annex.

[21] United Nations, *Treaty Series*, vol. 2515, No. 44910.

[22] Ibid., vol. 2349, No. 42146.

activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in her next report to the Human Rights Council;

42. *Calls upon* the United Nations funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

43. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

44. *Also requests* the Secretary-General to submit a report to the General Assembly at its sixty-eighth session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chair-Rapporteur of the Working Group to present an oral report and to engage in an interactive dialogue with the Assembly at its sixty-eighth session.

Draft resolution XI
Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 66/172 of 19 December 2011, as well as its resolution 66/128 of 19 December 2011, on violence against women migrant workers, and recalling also Human Rights Council resolution 20/3 of 5 July 2012,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

Acknowledging the relevant contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want",[11] which calls upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability,

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[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] Ibid., vol. 660, No. 9464.

[8] Ibid., vol. 2515, No. 44910.

[9] Ibid., vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.

[11] Resolution 66/288, annex.

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[12] which recognizes that migrant workers are among the most affected and vulnerable in the context of financial and economic crises,

Recalling further Commission on Population and Development resolutions 2006/2 of 10 May 2006[13] and 2009/1 of 3 April 2009,[14]

Recalling that the Commission on Population and Development will consider the issue of new trends in migration: demographic aspects at its forty-sixth session in 2013,

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[15] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[16] and recalling the obligations of States reaffirmed in both decisions,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

Recognizing the increasing participation of women in international migration movements,

Looking forward to the convening of the High-level Dialogue on International Migration and Development in 2013, and recalling the previous High-level Dialogue on the subject, held in New York on 14 and 15 September 2006, for the purpose of discussing the multidimensional aspects of international migration and development, at which, inter alia, the relationship between international migration, development and human rights was recognized,

Noting that the sixth meeting of the Global Forum on Migration and Development, held in Mauritius on 21 and 22 November 2012, drew together the outcomes of several preparatory meetings, focusing on the overarching theme "Enhancing the development of migrants and their contribution to the development of their communities and States" as a contribution to promoting international cooperation among States and between States and other actors in order to strengthen the capacity of States to address migration and development opportunities and challenges more effectively,

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[12] Resolution 63/303, annex.

[13] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[14] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[15] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23; see also *Avena and Other Mexican Nationals* (*Mexico v. United States of America*), *Judgment, I.C.J. Reports 2004*, p. 12.

[16] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.12; see also *Request for Interpretation of the Judgment of 31 March 2004 in the Case concerning* Avena and Other Mexican Nationals (Mexico v. United States of America) (*Mexico v. United States of America*), *Judgment, I.C.J. Reports 2009*, p. 3.

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Recognizing that women migrant workers are important contributors to social and economic development in countries of origin and destination through the economic and social impacts of their work, and underlining the value and dignity of their labour, including the labour of domestic workers,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Affirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

Stressing the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

Stressing also the obligation of States to protect the human rights of migrants regardless of their migration status, and expressing its concern at measures which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence where the effect of doing so is to deny migrants full enjoyment of their human rights and fundamental freedoms,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment, *Recognizing* the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Stressing that penalties and the treatment given to irregular migrants should be commensurate with their infraction,

Recognizing the importance of having a comprehensive and balanced approach to international migration, and bearing in mind that migration enriches the economic, political, social and cultural fabric of States and the historical and cultural ties that exist among some regions,

Recognizing also the obligations of countries of origin, transit and destination under international human rights law,

Underlining the importance for States, in cooperation with non-governmental organizations and other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration, in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(a) Strongly condemns the acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit those acts;

(b) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(c) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(d) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(e) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its fifteenth and sixteenth sessions;[17]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention;

(b) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(c) Notes with appreciation the measures adopted by some States to reduce detention periods in cases of undocumented migration in the application of domestic regulations and laws regarding irregular migration;

(d) Also notes with appreciation the successful implementation by some States of alternative measures to detention in cases of undocumented migration as a practice that deserves consideration by all States;

(e) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(f) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

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[17] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 48* and corrigendum (A/67/48 and Corr.1).

(g) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(h) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(i) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(j) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(a) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(b) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(c) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(d) Calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation;

(e) Encourages States to implement gender-sensitive policies and programmes for women migrant workers, to provide safe and legal channels that recognize the skills and education of women migrant workers and to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(f) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the measures necessary to better protect women and girls against dangers and abuse during migration;

(g) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(h) Encourages all States to prevent and eliminate discriminatory policies and legislation, at all levels of government, that deny migrant children access to education;

(i) Encourages States, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(j) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child and family reunification;

(k) Urges States parties to the United Nations Convention against Transnational Organized Crime[18] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[19] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[20] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

6. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration,[21] and invites States to take into account the conclusions and recommendations of the study when designing and implementing their migration policies;

7. *Encourages* States to protect victims of national and transnational organized crime, including kidnapping, trafficking and, in some instances, smuggling, through, where applicable, the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance;

8. *Encourages* Member States that have not already done so to enact domestic legislation and to take further effective measures to combat trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may also include debt bondage, slavery, sexual exploitation or forced labour, and also

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[18] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[19] Ibid., vol. 2241, No. 39574.

[20] Ibid., vol. 2237, No. 39574.

[21] A/HRC/15/29.

encourages Member States to strengthen international cooperation to combat such trafficking and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(a) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(b) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(c) Also encourages States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

(d) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

10. *Encourages* giving appropriate consideration to the issue of migration and development, in the preparation of the post-2015 development agenda, through, inter alia, integrating a human rights perspective and mainstreaming a gender perspective, and therefore:

(a) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the human rights of migrants and the Global Migration Group, to ensure that the High-level Dialogue on International Migration and Development, which will take place during the sixty-eighth session of the General Assembly in 2013, analyses the linkage between migration and development in a balanced and comprehensive manner that includes, among others, a human rights perspective;

(b) Recognizes the importance of the contribution of the High Commissioner for Human Rights, the Chair of the Committee on Migrant Workers and the Special Rapporteur on the human rights of migrants, as well as key development actors, to the discussion at the High-level Dialogue on International Migration and Development;

11. *Encourages* States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue, including through participation in the High-level Dialogue

to be held in 2013 and other relevant international meetings, with a view to strengthening public policies aimed at promoting and respecting human rights, including those of migrants;

12. *Invites* the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-eighth session, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

13. *Invites* the Special Rapporteur on the human rights of migrants to submit his report to the General Assembly and to engage in an interactive dialogue at its sixty-eighth session, under the item entitled "Promotion and protection of human rights";

14. *Takes note* of the report of the Secretary-General, submitted to the General Assembly at its sixty-seventh session, on the implementation of resolution 66/172 and on how the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has influenced policy and practice, where applicable, to strengthen the protection of migrants;[22]

15. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution and to include in that report an analysis of how a human rights perspective can enhance the design and implementation of international migration and development policies.

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[22] A/67/299.

Draft resolution XII
Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

The General Assembly,

Recalling its resolution 65/222 of 21 December 2010, and Human Rights Council resolution 20/15 of 5 July 2012, entitled "Promotion of the right to peace",[1]

Recalling also its resolution 39/11 of 12 November 1984, entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,[2]

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace and security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming its commitment to peace and security and justice and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

Reaffirming the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

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[1] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

[2] Resolution 55/2.

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing that peace and development are mutually reinforcing, including in the prevention of armed conflict,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realization of those rights,

Underlining the fact that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[4] can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;

2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

3. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace and security and stability;

5. *Emphasizes* that the preservation and promotion of peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

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[3] Resolution 2625 (XXV), annex.

[4] Resolution 217 A (III).

6. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

7. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

8. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

9. *Welcomes* the decision of the Human Rights Council, in its resolution 20/15,[1] to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace;

10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, the specialized agencies of the United Nations system, and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

12. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its sixty-ninth session under the item entitled "Promotion and protection of human rights".

Draft resolution XIII
The right to food

The General Assembly,

Reaffirming the Charter of the United Nations and its importance for the promotion and protection of all human rights and fundamental freedoms for all,

Reaffirming also all previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

Recalling the Universal Declaration of Human Rights,[1] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition[2] and the United Nations Millennium Declaration,[3] in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights,[4] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[5] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[6]

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7]

Reaffirming also the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted in Rome on 16 November 2009,[8]

Reaffirming further that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food and nutrition security and poverty eradication,

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[1] Resolution 217 A (III).

[2] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[3] See resolution 55/2.

[4] See resolution 2200 A (XXI), annex.

[5] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13-17 November 1996* (WFS 96/REP), part one, appendix.

[6] A/57/499, annex.

[7] E/CN.4/2005/131, annex.

[8] See Food and Agriculture Organization of the United Nations, document WSFS 2009/2.

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food and nutrition security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the complex character of the global food crisis, in which the right to adequate food is threatened to be violated on a substantive scale, is a combination of several major factors, such as the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as natural disasters and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, least developed countries and small island developing States,

Resolved to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the global food crisis,

Expressing its deep concern at the number and scale of natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have resulted in substantial loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

Emphasizing that a multisector approach that integrates nutrition across all sectors, including agriculture, health, water and sanitation, social protection, gender and education, is critical to achieving global food and nutrition security and the realization of the right to food,

Recalling the adoption of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security at the thirty-eighth session of the Committee on World Food Security, held on 11 May 2012, and the 144th session of the Council of the Food and Agriculture Organization of the United Nations,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Recognizing the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and the right to food for all,

Recognizing also the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

Taking note of the final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Porto Alegre, Brazil, on 10 March 2006,[9]

Recalling the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", adopted by the General Assembly in its resolution 66/288 of 27 July 2012,

Acknowledging the High-level Task Force on the Global Food Security Crisis established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 do so from hunger-related illness, that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people who are chronically undernourished is about 870 million worldwide, and that an additional 1 billion people are suffering from serious malnutrition, including as a result of the global food crisis, while, according to the latter organization, the planet could produce enough food to feed everyone around the world;

4. *Expresses its concern* at the fact that the effects of the world food crisis continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the world financial and economic crisis, and at the particular effects of this crisis on many net food-importing countries, especially on least developed countries;

5. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Insecurity in the World 2012*,[10] the number of hungry people in the world remains unacceptably high, and 98 per cent of undernourished people in the world live in developing countries;

6. *Expresses its concern* that women and girls are disproportionately affected by hunger, food and nutrition insecurity and poverty, in part as a result of

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[9] Food and Agriculture Organization of the United Nations, *Report of the International Conference on Agrarian Reform and Rural Development, Porto Alegre, Brazil, 7-10 March 2006* (C 2006/REP), appendix G.

[10] Food and Agriculture Organization of the United Nations, International Fund for Agricultural Development and World Food Programme (Rome, October 2012).

gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where they contribute to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

8. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

9. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

10. *Calls upon* all States and, if appropriate, relevant international organizations to take measures and support programmes which are aimed at combating undernutrition in mothers and children and the irreversible effects of chronic undernutrition in early childhood, in particular from pregnancy to the age of two years;

11. *Encourages* all States to take steps with a view to progressively achieving the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

12. *Recognizes* the advances reached through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

13. *Stresses* that improving access to productive resources and public investment in rural development are essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

14. *Recognizes* the critical contribution made by the fisheries sector to the realization of the right to food and to food security, and the contribution of small-scale fishers to the local food security of coastal communities;[11]

15. *Recognizes* that 80 per cent of hungry people live in rural areas and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools for promoting land and agrarian reform,

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[11] See A/67/268.

rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access of their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the provision of the right to food;

16. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;[12]

17. *Urges* States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity[13] and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture[14] as a matter of priority;

18. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples,[15] acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face in achieving the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

19. *Notes* the need to further examine various concepts such as, inter alia, "food sovereignty" and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

20. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

21. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

22. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

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[12] United Nations, *Treaty Series*, vol. 1954, No. 33480.

[13] Ibid., vol. 1760, No. 30619.

[14] Ibid., vol. 2400, No. 43345.

[15] Resolution 61/295, annex.

23. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions that permit the full realization of the right to food;

24. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

25. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty, as well as non-communicable diseases;

26. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[5] and the United Nations Millennium Declaration;[3]

27. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

28. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

29. *Stresses* the importance of international cooperation and development assistance as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock, and institutional innovations such as community seed banks, farmer field schools and seed fairs and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

30. *Also stresses* that States parties to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights[16] should consider implementing that agreement in a manner that is supportive of food security, while being mindful of the obligation of Member States to promote and protect the right to food;

31. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food

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[16] See *Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, done at Marrakesh on 15 April 1994* (GATT secretariat publication, Sales No. GATT/1994-7).

crises currently occurring across Africa, in particular in the Horn of Africa, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

32. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

33. *Takes note with appreciation* of the interim report of the Special Rapporteur;[11]

34. *Supports* the realization of the mandate of the Special Rapporteur, as extended by the Human Rights Council in its resolution 13/4 of 24 March 2010;[17]

35. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur;

36. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),[18] in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

37. *Recalls* General Comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant),[19] in which the Committee noted, inter alia, the importance of ensuring sustainable access to water resources for human consumption and agriculture in realization of the right to adequate food;

38. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7] represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the United Nations Millennium Declaration;

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[17] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[18] See *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V.

[19] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

39. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

40. *Requests* the Special Rapporteur to submit to the General Assembly at its sixty-eighth session an interim report on the implementation of the present resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

41. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

42. *Decides* to continue the consideration of the question at its sixty-eighth session under the item entitled "Promotion and protection of human rights".

Draft resolution XIV
Promotion of a democratic and equitable international order

The General Assembly,

Recalling its previous resolutions on the promotion of a democratic and equitable international order, including resolution 66/159 of 19 December 2011, and Human Rights Council resolutions 18/6 of 29 September 2011[1] and 21/9 of 24 September 2012,[2]

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[3] can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good-neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

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[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[2] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[3] Resolution 217 A (III).

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Deeply concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries, *Stressing* that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of and technology transfer to developing countries, in particular the landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Recalling Human Rights Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,[4] and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Calls upon* all Member States to fulfil their commitment expressed in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity,[5] and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

4. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

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[4] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[5] See A/CONF.189/12 and Corr.1, chap. I.

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, that should be exercised multilaterally;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional

particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

9. *Also reaffirms* the need to continue working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

10. *Further reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

11. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

12. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order;[6]

13. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

14. *Calls upon* all Governments to cooperate with and assist the Independent Expert in his task, to supply all necessary information requested by him and to consider responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate more effectively;

15. *Requests* the Human Rights Council, the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the special mechanisms extended by the Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

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[6] A/67/277 and Corr.1.

16. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

17. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

18. *Requests* the Independent Expert to submit to the General Assembly at its sixty-eighth session an interim report on the implementation of the present resolution and to continue his work;

19. *Decides* to continue consideration of the matter at its sixty-eighth session under the item entitled "Promotion and protection of human rights".

Draft resolution XV
Moratorium on the use of the death penalty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the Convention on the Rights of the Child,[3]

Reaffirming its resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

Welcoming Human Rights Council decision 18/117 of 28 September 2011,[4]

Mindful that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

Noting ongoing local and national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make available to the public information on the use of the death penalty,

Noting also the technical cooperation among Member States in relation to moratoriums on the death penalty,

1. *Expresses its deep concern* about the continued application of the death penalty;

2. *Welcomes* the report of the Secretary-General on the implementation of resolution 65/206[5] and the recommendations contained therein;

3. *Also welcomes* the steps taken by some Member States to reduce the number of offences for which the death penalty may be imposed and the decisions made by an increasing number of States, at all levels of Government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

4. *Calls upon* all States:

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. III.

[5] A/67/226.

(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

(b) To make available relevant information with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty;

(c) To progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below eighteen years of age and on pregnant women;

(d) To reduce the number of offences for which the death penalty may be imposed;

(e) To establish a moratorium on executions with a view to abolishing the death penalty;

5. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

6. *Also calls upon* States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;[6]

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution;

8. *Decides* to continue consideration of the matter at its sixty-ninth session under the item entitled "Promotion and protection of human rights".

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[6] United Nations, *Treaty Series*, vol. 1642, No. 14668.

Draft resolution XVI
Committee against Torture

The General Assembly,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1]

Welcoming the work of the Committee against Torture, and encouraging sustained efforts by the Committee to improve the efficiency of its working methods,

Regretting the persistent backlog of reports of States parties and individual communications awaiting consideration, which prevents the Committee from considering reports and communications in a timely manner and without undue delay,

Recalling its resolutions 66/254 of 23 February 2012 and 66/295 of 17 September 2012 on the intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system, and recognizing in this regard that a long-term solution to the problem of the increasing backlog of reports of States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment awaiting review by the Committee may be found in this context,

Noting the request of the Committee against Torture that the General Assembly authorize an extension of its meeting time by two weeks in 2013 and in 2014,[2]

Noting also that the Committee has only ten members and normally meets for only two sessions of three weeks a year,

Noting further that the estimated budgetary requirements of the requested extension of meeting time for 2014 will be dealt with in the context of the proposed programme budget for the biennium 2014-2015, while bearing in mind the need to make the best possible use of resources,

1. *Expresses its appreciation* for the efforts made so far by the Committee against Torture to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and urges the Committee to continue its activities in this regard;

2. *Decides* to authorize the Committee, without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, to continue to meet for an additional week per session as a temporary measure, with effect from May 2013 until the end of November 2014, in order to address the backlog of reports of States parties and individual complaints awaiting consideration.

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[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[2] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 44* (A/67/44), paras. 23-29 and annexes IX and X.

Draft resolution XVII
Missing persons

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949[1] and the Additional Protocols thereto of 1977,[2] as well as international standards of human rights, in particular the Universal Declaration of Human Rights,[3] the International Covenant on Economic, Social and Cultural Rights,[4] the International Covenant on Civil and Political Rights,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[7]

Welcoming the entry into force on 23 December 2010 of the International Convention for the Protection of All Persons from Enforced Disappearance,[8]

Recalling all previous relevant resolutions on missing persons adopted by the General Assembly, as well as the resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council,

Noting with deep concern that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and international human rights law,

Noting that the issue of persons reported missing in connection with international or non-international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and international human rights law, continues to have a negative impact on efforts to put an end to those conflicts and inflicts grievous suffering on the families of missing persons, and stressing in this regard the need to address the issue, inter alia, from a humanitarian and rule of law perspective,

Considering that the problem of missing persons may raise questions of international humanitarian law and international human rights law, as appropriate,

Bearing in mind that cases of missing persons involve conduct that may constitute criminal offences, and stressing the importance of ending impunity for violations of international humanitarian law and international human rights law with respect to missing persons,

Cognizant that States that are parties to an armed conflict have a responsibility for countering the phenomenon of missing persons, taking all appropriate measures to prevent persons from going missing and determining the fate of missing persons and for recognizing their accountability as regards implementing the relevant mechanisms, policies and laws,

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[1] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[2] Ibid., vol. 1125, Nos. 17512 and 17513.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.

[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] A/CONF.157/24 (Part I), chap. III.

[8] Resolution 61/177, annex.

Bearing in mind the effective search for and identification of missing persons using forensic sciences, and recognizing that great technological progress has been made in this field, including DNA forensic analysis, which can significantly assist efforts to identify missing persons and to investigate violations of international humanitarian law and international human rights law,

Recognizing that the establishment and effective work of competent national institutions can play a crucial role in clarifying the fate of missing persons in connection with armed conflict,

Recognizing also the importance of addressing the legal situation of missing persons in connection with armed conflict and supporting their family members in national policies that include a gender perspective, as appropriate,

Recognizing further that respect for and implementation of international humanitarian law can reduce the number of cases of missing persons in armed conflict,

Stressing the importance of measures to prevent persons from going missing in connection with armed conflict, which may include enacting national legislation, producing and providing proper means of identification, the establishment of information bureaux, grave registration services and registers of deaths, and ensuring accountability in cases of the missing,

Taking note of the four-year plan of action for the implementation of international humanitarian law adopted by the Thirty-first International Conference of the Red Cross and Red Crescent, held in Geneva from 28 November to 1 December 2011, which, inter alia, invites States, as part of its fourth objective, to consider, in the light of the right of families to know the fate of their relatives, enacting appropriate legislation or arrangements to ensure adequate participation and representation of victims and their families as well as access to justice and protection for victims and witnesses, especially women and children, in proceedings before their courts and in other transitional justice mechanisms concerning serious violations of international humanitarian law,

Taking note also of the report of the Human Rights Council Advisory Committee on best practices in the matter of missing persons,[9]

Taking note with appreciation of the report of the Secretary-General prepared pursuant to General Assembly resolution 65/210 of 21 December 2010,[10]

Noting with appreciation the ongoing international and regional efforts to address the question of missing persons and the initiatives undertaken by international and regional organizations in this field,

1. *Urges* States to strictly observe and to respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949[1] and, where applicable, in the Additional Protocols thereto of 1977;[2]

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[9] A/HRC/16/70.

[10] A/67/267.

2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with the armed conflict, to account for persons reported missing as a result of such a situation and to ensure the effective investigation and prosecution of offences linked to missing persons, consistent with their international obligations;

3. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;

4. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

5. *Calls upon* States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict and, to the greatest extent possible, to provide their family members, through appropriate channels, with all relevant information that they have on their fate, including their whereabouts or, if they are dead, the circumstances and cause of their death;

6. *Recognizes*, in this regard, the need for appropriate means of identification and for the collection, protection and management of data on missing persons and unidentified remains according to international and national legal norms and standards, and urges States to cooperate with each other and with other concerned actors working in this area, inter alia, by providing all relevant and appropriate information related to missing persons;

7. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children and to reunite them with their families;

8. *Invites* States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all such legal and practical measures and coordination mechanisms as may be necessary, based on humanitarian considerations only;

9. *Urges* States that are parties to an armed conflict to cooperate, consistent with their international obligations, in order to effectively solve cases of missing persons, including by providing mutual assistance in terms of information-sharing, victim assistance, location and identification of missing persons and recovery, identification and return of human remains;

10. *Urges* States, and encourages intergovernmental and non-governmental organizations, to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the concerned States, and welcomes in this regard the establishment and efforts of commissions and working groups on missing persons;

11. *Calls upon* States, without prejudice to their efforts to determine the fate of persons reported missing in connection with armed conflicts, to take appropriate steps with regard to the legal situation of missing persons and the needs and accompaniment of their family members, in such fields as social welfare,

psychological and psychosocial support, financial matters, family law and property rights;

12. *Invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to further their engagement in order to follow forensic best practices as they apply to preventing and resolving cases of missing persons in connection with armed conflict;

13. *Also invites* States, national institutions and, as appropriate, intergovernmental, international and non-governmental organizations to ensure the development and proper management of archives pertaining to missing persons and unidentified remains in connection with armed conflict, as well as access to those archives in accordance with relevant applicable laws and regulations;

14. *Stresses* the need to address the issue of missing persons as a part of peace and peacebuilding processes, with reference to all justice and rule of law mechanisms, including the judiciary, parliamentary commissions and truth-finding mechanisms, on the basis of transparency, accountability and public involvement and participation;

15. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the General Assembly;

16. *Requests* the Secretary-General to submit to the Human Rights Council at its relevant session and to the General Assembly at its sixty-ninth session a comprehensive report on the implementation of the present resolution, including relevant recommendations;

17. *Also requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

18. *Decides* to consider the question at its sixty-ninth session.

Draft resolution XVIII
Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

The General Assembly,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also the obligation of States to prohibit discrimination and violence on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming further that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the International Covenant on Civil and Political Rights[1] provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of one's choice and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching,

Reaffirming the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Welcoming Human Rights Council resolutions 16/18 of 24 March 2011[2] and 19/25 of 23 March 2012[3] and General Assembly resolution 66/167 of 19 December 2011,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

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[1] See resolution 2200 A (XXI), annex.

[2] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[3] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Strongly deploring, further, all attacks on and in religious places, sites and shrines in violation of international law, in particular human rights law and international humanitarian law, including any deliberate destruction of relics and monuments,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Expressing deep concern at the instances of intolerance, discrimination and acts of violence occurring in the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestations of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations, that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity, as well as interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Underlining the fact that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining also the importance of raising awareness about different cultures and religions or beliefs and of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for religious and cultural diversity, including with regard to religious expression, and underlining further the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Recognizing that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education is an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief, *Welcoming* the inauguration of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna, established on the basis of the purposes and principles enshrined in the Universal Declaration of Human Rights,[4] and acknowledging the important role that the Centre is expected to play as a platform for the enhancement of interreligious and intercultural dialogue,

Welcoming also, in this regard, all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the holding of five regional workshops by the Office of the United Nations High Commissioner for Human Rights in Austria, Chile, Kenya, Morocco and Thailand on related issues,

1. *Takes note* of the report of the Secretary-General on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief;[5]

2. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist individuals, organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

3. *Expresses concern* that the number of incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continues to rise in the world, which may have serious implications at the national, regional and international levels, condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution and consistent with their obligations under international human rights law, to address and combat such incidents;

4. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

5. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and expresses its conviction that a continuing dialogue on these issues can help to overcome existing misperceptions;

6. *Also recognizes* the strong need for global awareness about the possible serious implications of incitement to discrimination and violence, that may have serious implications at the national, regional and international levels, and urges all Member States to make renewed efforts to develop educational systems that promote all human rights and fundamental freedoms that enhance tolerance for

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[4] Resolution 217 A (III).

[5] A/67/296.

religious and cultural diversity, which is fundamental to promoting tolerant, peaceful and harmonious multicultural societies;

7. *Calls upon* all States to take the following actions, as called for by the Secretary-General of the Organization of Islamic Cooperation, to foster a domestic environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of Government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and developing strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and the negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-raising;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national, regional and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion or belief, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questioning, searches and other law enforcement investigative procedures;

9. *Also calls upon* all States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and

shrines, and to take protective measures in cases where they are vulnerable to vandalism or destruction;

10. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs;

11. *Encourages* all States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights, and in this respect requests the United Nations High Commissioner for Human Rights to include those updates in her reports to the Human Rights Council;

12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report that includes information provided by the High Commissioner on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in the present resolution.

Draft resolution XIX
Freedom of religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 66/168 of 19 December 2011, and Human Rights Council resolution 19/8 of 22 March 2012,[3]

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of freedom of religion or belief,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's own choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities around the world and at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009,

Concerned that official authorities sometimes tolerate or encourage acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities,

Concerned also at the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief, and at the implementation of existing laws in a discriminatory manner,

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[1] See resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women and other individuals on the basis or in the name of religion or belief or in accordance with cultural and traditional practices and the misuse of religion or belief for ends inconsistent with the principles set out in the Charter of the United Nations and in other relevant instruments of the United Nations,

Seriously concerned about all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Strongly condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

4. *Also emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia and prejudices against persons of other religions or beliefs;

6. *Strongly condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

7. *Expresses concern* at the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

10. *Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

11. *Deplores* the continued existence of instances of religious intolerance, as well as emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:

(a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;

(b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(c) Attacks on or destruction of religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance for the dignity and lives of members of communities holding spiritual or religious beliefs;

(d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights,[1] as well as other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction;

12. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction, inter alia, by providing access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one within their jurisdiction is deprived of the right to life, liberty and security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(j) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(k) To promote, through education and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in the society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis and to detect signs of intolerance that may lead to discrimination based on religion or belief;

13. *Welcomes and encourages* initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including freedom of religion or belief;

14. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations initiative and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

15. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[4] and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

16. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

17. *Welcomes* the work and the interim report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief;[5]

18. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all information and follow-up necessary for the effective fulfilment of his mandate;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-eighth session;

21. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-eighth session under the item entitled "Promotion and protection of human rights".

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[4] See resolution 36/55.

[5] See A/67/303.

Draft resolution XX
International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Recalling also its resolution 66/160 of 19 December 2011, as well as relevant resolutions adopted by the Human Rights Council, including resolution 21/4 of 27 September 2012,[1] in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances[2] and the recommendations contained therein,

Recalling further that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearance,

Recalling that no one shall be held in secret detention,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Acknowledging that acts of enforced disappearance are recognized in the Convention as crimes against humanity, in certain circumstances,

Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

1. *Welcomes* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance[3] on 23 December 2010, and recognizes that its implementation will be a significant contribution to ending impunity and to promoting and protecting all human rights for all;

2. *Also welcomes* the fact that ninety-one States have signed the Convention and thirty-six have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of

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[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.

[2] A/HRC/19/58/Rev.1.

[3] Resolution 61/177, annex.

priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. *Further welcomes* the report of the Secretary-General;[4]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue making efforts to disseminate information on the Convention, to promote understanding of it and to assist States parties in implementing their obligations under this instrument;

6. *Welcomes* the work achieved by the Committee on Enforced Disappearances during its first three sessions, and encourages all States parties to the Convention to support and promote the work of the Committee and to implement its recommendations;

7. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

8. *Notes* that 2012 marks the twentieth anniversary of the adoption by the General Assembly of the Declaration and urges all States to promote and to give full effect to it;

9. *Welcomes* the cooperation established between the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances, within the framework of their respective mandates;

10. *Takes note with interest* of all the general comments of the Working Group on Enforced or Involuntary Disappearances, including the most recent one on the right to recognition as a person before the law in the context of enforced disappearances,[5] which are aimed at helping States to apply the Declaration in a way that is most conducive to the protection of all persons from enforced disappearances;

11. *Invites* the Chair of the Committee on Enforced Disappearances and the Chair of the Working Group on Enforced or Involuntary Disappearances to address and engage in an interactive dialogue with the General Assembly at its sixty-eighth session under the item on the promotion and protection of human rights;

12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the status of the Convention and the implementation of the present resolution.

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[4] A/67/271.

[5] See A/HRC/19/58/Rev.1, sect. II.H.